



CLOVIS POLICE DEPARTMENT IA Investigation #13-03

TO Chief of Police

FROM: Police Sergeant Police Sergeant

DATE: June 10, 2013

RE: Internal Affairs Investigation # 13-03

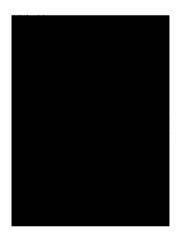
INVOLVED OFFICER:

Kyle Pennington

COMPLAINANT(S):



WITNESSES:



INVESTIGATION:

For this investigation we/l contacted each of the listed witnesses individually and recorded their statements. I reviewed audio tapes and obtained and reviewed any relevant reports associated with this investigation.

SUMMARY/SYNOPSIS:

On March 7, 2013, Sergeant and I, Sergeant the subject being Officer Kyle Pennington. The allegations made by the complainant were expressed in a letter that she wrote and submitted to the Clovis Police Department and in summary stated that Officer Pennington was a dishonest person of such low integrity that she was astonished that he would be working and representing our Department. The allegations specified that Officer Pennington was taking advantage of the Clovis Police Department by taking time off from work under the guise of military training and not actually attending any training, but instead hanging out with her, going out drinking or out of town on vacation. The complainant said that during these times Officer Pennington would make comments that he needed to "lay low and stay out of Clovis" so he would not get caught while doing this.

The complainant alleged that while Officer Pennington was out on "Light Duty" he was performing activities that she believed were outside the limitations of someone being off from work. She said that he would play sports, do construction work on his house and go to the gym on a daily basis. She also alleged that Officer Pennington on multiple occasions drank heavily and drove his personal vehicle while intoxicated.

The complainant alleged that Officer Pennington had sexual relations with her while he was working and on duty. She said that Officer Pennington would spend hours with her at her house hanging out with her talking, watching TV and eating while he was supposed to be working. She also said that she had been on multiple ride-a-

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longs with Officer Pennington, all of which resulted in them having sexual relations in his patrol car while he was working.

The complainant alleged that Officer Pennington, while working, would pick her up in his patrol vehicle, from various locations, and give her a ride home. She said that on one occasion he picked her up in Fresno and drove back at 120 MPH to her house in Clovis.

The complainant alleged that Officer Pennington was using steroids, due to syringes and bottles of foreign substances that she had seen in his belongings. She said that his temper and body type are also why she believes he is using steroids.

The complainant alleged that Officer Pennington, on multiple occasions, battered her, causing serious injuries. She said that during the alleged domestic violence she sustained bruises on her arms, legs and ribs. She said that Officer Pennington was both physically and mentally abusive to her.

The complainant also alleged that Officer Pennington was addicted to sex as well as pornography. She said he had multiple computer files of pornography, in which the girls appeared not to be of legal age.

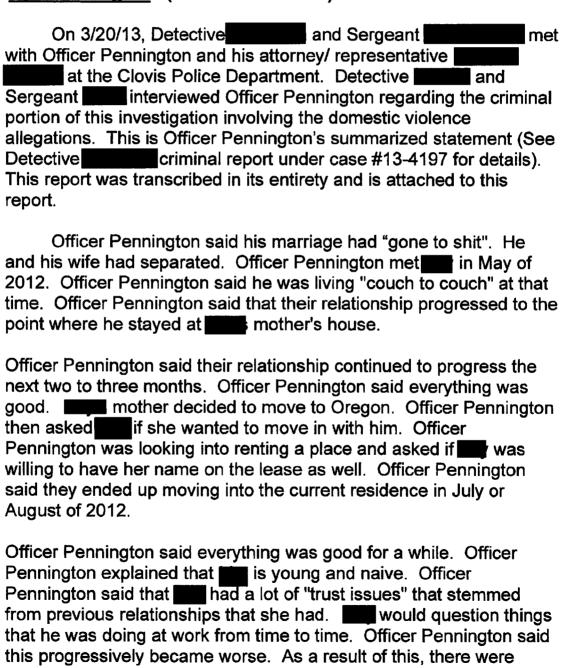
The complainant said that she could provide witnesses, evidence and testimony for these allegations.

Upon speaking to the complainant, some of the witnesses and the involved Officer; it is apparent that Officer Pennington did not attend any scheduled military trainings from April through September of 2012 and furthermore, anything that he actually stated he did that was military related was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington was also found to have abused company time by spending unreasonable amounts of time visiting, talking and texting with the complainant while on duty. Officer Pennington's conduct regarding the alleged domestic violence and sexual abuse was substantial enough to be forwarded to the District Attorney's Office for filing and, therefore, his conduct and decisions reflect poorly on the Clovis Police Department.

Officer Pennington's notoriously disgraceful conduct and behavior was again documented in a domestic violence report with a different complainant/victim under Internal Affairs report #13-05.

STATEMENTS/INTERVIEWS:

Kyle Pennington (Criminal Interview)



several arguments stemming from this issue. Officer Pennington said it got to the point where the relationship was becoming like his marriage was prior to its dissolving.

Officer Pennington said in January of this year, book off to San Diego to visit her sister for a while. Wasn't answering his phone calls or his text messages. When came back, she moved in with her father. Officer Pennington said at that point he was still trying to make this relationship work. Officer Pennington continued for approximately two weeks or so, but finally decided that he wasn't going to chase her around anymore (figuratively speaking) and moved on with his life.

Officer Pennington said he started dating a different girl a few weeks after that in February. Officer Pennington said that would still contact him from time to time. Officer Pennington said he had to tell that he didn't want anything to do with her and that their relationship was putting him in a bad situation. Officer Pennington said that he offered to help her move the rest of her things out of the house.

Two days later, Officer Pennington said he and his current girlfriend happened to run into at a local convenience store. started "flipping out." Officer Pennington said that was yelling and screaming. Officer Pennington said he took outside and asked her to "leave it alone." Officer Pennington then left back to his house with his girlfriend.

ended up following them back and parking in the driveway of his house for several hours, crying hysterically. Said she wanted to pick up some stuff. Officer Pennington said he tried to find out what exactly she wanted to get. Started "making a spectacle of herself." Officer Pennington said he had neighbors that witnessed this. Officer Pennington said he told that he was going to close the garage door and told her that she could wait in her car. Officer Pennington then called father and told him that he needed to come and get her. Officer Pennington then left for approximately 3 or 4 hours. When he returned, was gone. Officer Pennington said he spoke with his neighbors who told him that had sat in her car for some time. Officer Pennington said that he has an extension cord

that runs underneath his garage door that is used to plug in his patrol car at night. Per the neighbors, used that extension cord to plug in her computer and was doing stuff on her computer while she sat there. The neighbor also told Officer Pennington that left her car on the entire time and the battery died.

Officer Pennington said a week before this happened, came to the house while he was not there. Officer Pennington said had keys to the house. destroyed a bunch of property that belonged to him. I asked what kind of property. Officer Pennington said it was toiletries and cologne that was in the bathroom.

Officer Pennington said that same day, texted him saying that she wanted him to look after her son after she was gone. Officer Pennington said he was confused and tried to text and call her back, but was unable to get a hold of her. All day passed without contact. Officer Pennington said that night showed up to his house and she was "crazy." Officer Pennington said she was "flailing around" all over the place and arguing with him. told Officer Pennington that she had taken 10 to 12 Xanax pills that she had gotten from her mother. said that she passed out all day and had just woken up. Officer Pennington told that he didn't want to deal with her in this state. Officer Pennington told Irby that she shouldn't drive anywhere, but did not want her there at the house. got into her vehicle and left. Officer Pennington said that he spoke with on the phone several times while she was driving back home. A couple of times, had to pull over because of the fact that she was "hysterical."

Officer Pennington said that prior to this, he had found with pills from her mother. Officer Pennington said he told that he did not want that kind of stuff in his house. Officer Pennington said the pills went away after that.

Detective asked Officer Pennington about the incident where said that they wrestled over the cell phone. Officer Pennington said that took his cell phone and keys from him on several occasions. Officer Pennington said that his son was there when this happened. The thought Officer Pennington was having an inappropriate conversation with a female from his past.

velling and screaming. Officer Pennington told her that he wasn't going to put up with it. Officer Pennington said he searched the house for his phone and keys. was getting in his way. Officer Pennington said he then picked up his son and left the house walking. Officer Pennington walked to the Vons store that is nearby and called his mother from a payphone. Officer Pennington's mother came out and picked them up. They then went to Sanger. Detective said told Officer Pennington that said that they wrestled in the kitchen over the phone. Officer Pennington said he did not remember that. Detective told Officer Pennington that alleged that Officer Pennington was grabbing at her hands trying to get the phone. Because of this, and the carpet rubbing against it, had a small scar on her right hand. Officer Pennington said that he did not remember that. Officer Pennington said there were several times where would grab his keys and phone and wasn't exactly sure that we were talking about the same instance. Officer Pennington said during those times, he would try to get the items back from her and there would be "tussling" involved. Officer Pennington said it never ended up with him being on top of her or anything like that. Detective told Officer Pennington that alleged that he head butted her and kicked her on a different occasion. Officer Pennington said before it would come to that, he would just leave. Officer Pennington said if he wasn't able to get his phone back after trying once or twice, he would just leave to avoid any sort of physical fight. Detective asked Officer Pennington if he ever head butted in the back. Officer Pennington said he did not. Detective and told Officer Pennington that alleged that during several arguments he would not let her leave the house or the room. Detective asked if that ever happened. Officer Pennington said there was one occasion when was going to leave the house intoxicated and he did not let her leave because she was going to drive. Officer Pennington said he stood in the hallway

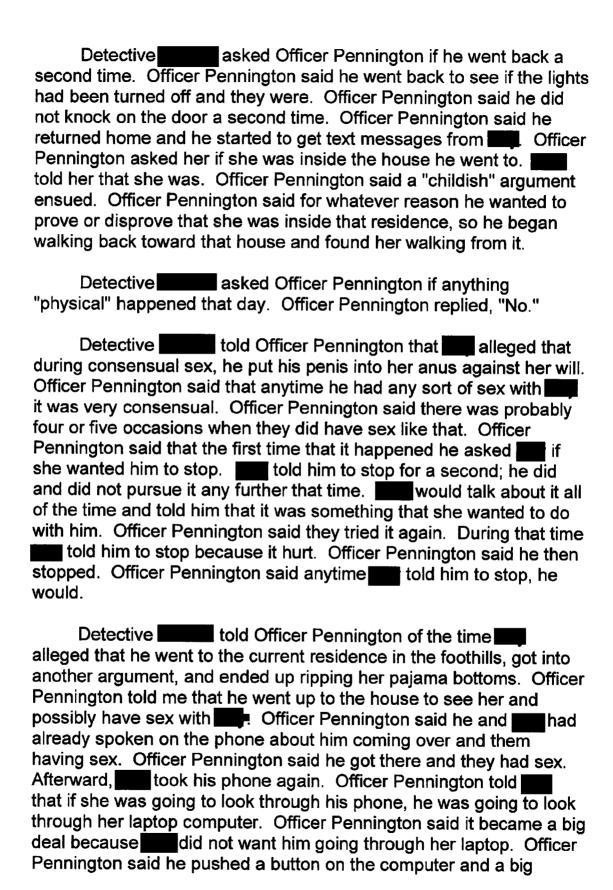
and told to think about things. Officer Pennington told

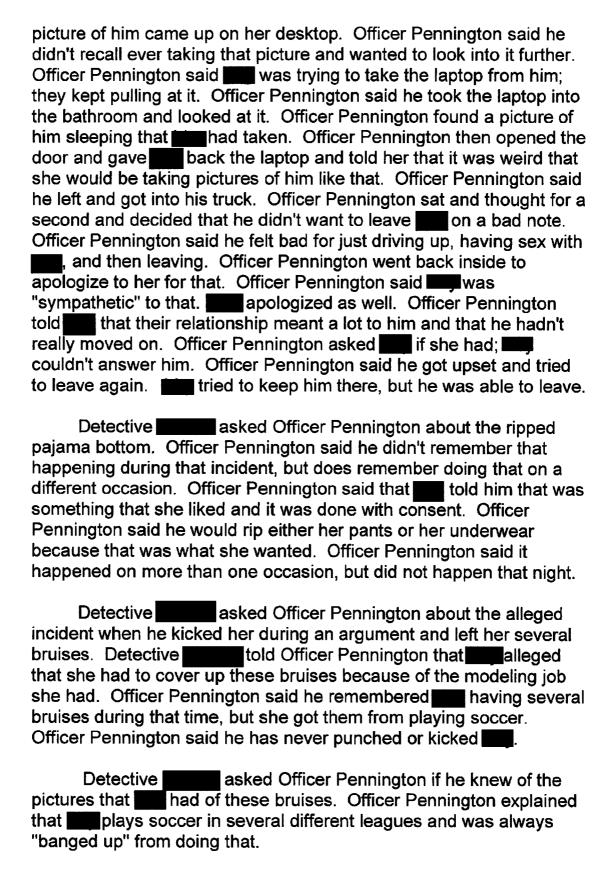
several reasons why she shouldn't drive off in that condition and asked her to call someone to come and get her or he would leave instead. Officer Pennington said that was persistent on pushing him and trying to get around him. Officer Pennington said that he did not want the fight to escalate so he let her go. Officer Pennington said to the best of his knowledge, and ended up sleeping in her car.

told Officer Pennington about the incident that Detective I alleged where he was flipping over the bed and throwing the bed outside into the garage. I told Officer Pennington that said she was able to get out of the house and went to a friend's house nearby. Detective saked Officer Pennington if he remembered this. Officer Pennington said he did. Officer Pennington said that was intoxicated that night. Officer Pennington said he didn't remember what the argument was about, but said that it was "heated." wanted to leave and go to a guy friend's house. Officer Pennington told if she left than this was it. left. Officer Pennington said at that point they both had an "app" on their phones that allowed them to see where each other were. Officer Pennington said he used the app to see that was at that house and told himself that he wasn't going to deal with it anymore. Officer Pennington said he took the bed apart and put it in the garage. Officer Pennington said he also moved her property into the garage. Officer Pennington said he took a picture of it and sent it to her.

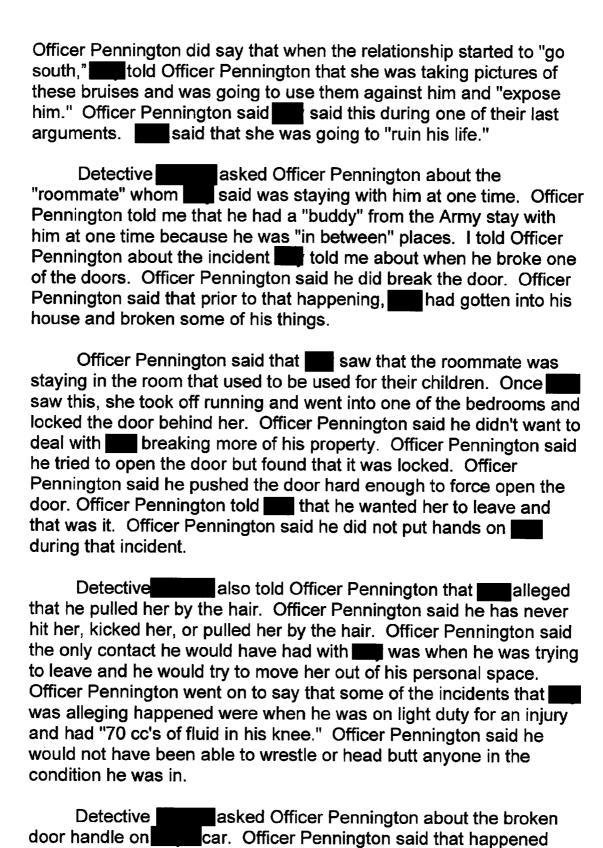
Officer Pennington said he wasn't comfortable with being at that house. Officer Pennington said he went over there around 0030 hours or 0100 hours and noticed the television and some lights were on. Officer Pennington said he knocked on the door and a gentleman answered. Officer Pennington said he told the man very calmly that he was trying to find out if his girlfriend was there because he was worried about her safety. Officer Pennington said the man told him that he didn't live there, but Officer Pennington knew that he was lying. Officer Pennington said he told the man that if she was there, she was there. Officer Pennington told him that he wasn't going to be "crazy" with him and just wanted to know because he was concerned for her safety. The man told Officer Pennington that he would check. He left the door and came back a short time later and told Officer Pennington that she wasn't there.

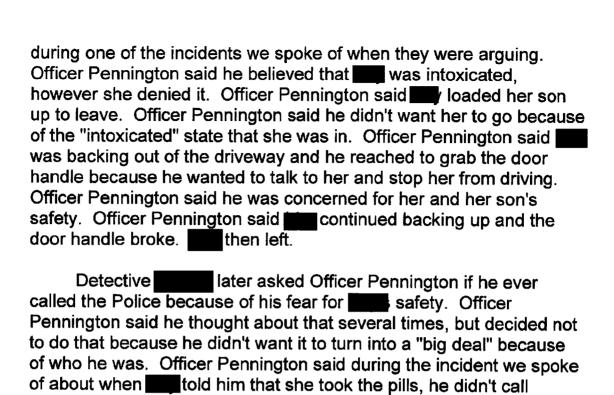
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Detective told Officer Pennington that Irby alleged that he took the phone away from her while she was trying to call 911. Officer Pennington said he never took the phone away from while she was trying to call 911. Officer Pennington said there were a couple of instances when threatened that if Officer Pennington were to leave that she was going to call 911. Officer Pennington said at one point, she actually dialed it up. Officer Pennington told to go ahead and call because he wanted to leave. Detective told Officer Pennington that had actual call logs of where she called 911. Officer Pennington said it was that same incident where he told her to call because he wanted to leave. If threatened to show the Police the pictures of bruises. Officer Pennington told her to go ahead.

because he did not know where she was. Officer Pennington said he wasn't "100%" convinced that was what was going on. He thought

she might have been playing it up.

Detective asked Officer Pennington if he called anyone when left in the car and he broke the door handle. Officer Pennington said he did not, but should have. Officer Pennington said he didn't want to complicate things with the relationship because he still wanted to work things out with her.

Detective asked Officer Pennington about the relationship between him and his ex-wife. Officer Pennington said he was with her for 13 years and there was never anything physical between them. Officer Pennington said in the 13 years they had only 1 "heated" argument. Detective asked Officer Pennington what he thought motive was behind making these allegations. Officer Pennington said that she was upset that he did not want to be with her anymore. was upset about him being with this new girl. Officer Pennington said that was very young and naive. Officer Pennington said was very spiteful and was upset over how this relationship ended. Officer Pennington said he was aware that had prior domestic violence issues between her and her ex-husband, | told him several instances between the two of them. Officer Pennington said that he has personally spoken with the ex-husband because he did not want to let take their child to Disneyland. Officer Pennington said that he was able to tell that the ex-husband was a good person and that they had a lot of issues between them in the past. Officer Pennington was asked if he had any of the text messages between him and Officer Pennington said he did not. but would work on trying to retrieve them. Officer Pennington never provided any records of text messages. **Kyle Pennington** (Administrative Interview #1) On 4/3/13 Sergeant | and I, Sergeant , met with Officer Pennington and his attorney (representative) at the Clovis Police Department. Sergeant | gave Officer Pennington the Internal Affairs Advisement and Admonishment which included both the Miranda Advisement and the Lybarger Advisement. Officer Pennington refused to answer under Miranda. Officer Pennington stated he understood and signed the

forms. Officer Pennington was then ordered to answer the questions

regarding the interview. This is Officer Pennington's summarized statement. This report was transcribed in its entirety and is attached to this report.

During our interview with Officer Pennington we asked him a multitude of questions. The questions were regarding the allegations of domestic violence both physical and mental, abuse of military time off, workers compensation fraud, driving while intoxicated, having sexual relations while on duty, abuse of company time and the use of steroids.

Officer Pennington said he and the complainant lmet in April or early May of 2012. He said they met officially on a double date with him and one of his friends and her and one of her friends. Officer Pennington said they met unofficially while he was conducting an investigation involving a subject stealing tailgates from trucks and storing them at his ex-girlfriend's residence. He said he got in touch with her via the telephone and later made arrangements where she consented to letting him search her residence, where he located the stolen tailgates. Officer Pennington said that while he was working this case was with the other female, which he previously knew from a party that he had attended over a year and half ago. He said that he actually had her phone number saved in his phone so he called her. He said a couple of days later this girl texted him saying that her friend wanted to meet him and that's when they all went out on the double date. Officer Pennington said this girl's name is . He said that during the date he and exchanged numbers and then started texting back and forth. Officer Pennington said they officially started dating around early June through the end of January 2013.

I asked him to clarify a question he had previously been asked during the criminal investigation regarding an argument that he and had where she left their residence and went to hide at a neighbor's house. I asked him how many times he had gone to knock on the front door of his neighbor's looking for and he said only once. He said that an older man answered the front door so he asked him if was inside and the man said no. Officer Pennington said that he knew she was there because they both had an app that allows them to see the location of their phone. Officer Pennington

said he stood across the street from his neighbor's house and waited for to come outside, because he was concerned for her safety. He started texting with which got him pretty "pissed." He said that he walked home and took their bed apart and put it in the garage because he was upset that she had gone over to another guy's house. Officer Pennington said that this entire incident took about 3 to 4 hours. He said that after he started thinking about it he realized that he wanted to make the relationship work with because he cared for her and didn't want it to end like his marriage. He said that he cared for and her son and that's why he took both of them into his home.

I asked Officer Pennington if he ever transported or any of her friends while on duty. He said that during the theft investigation case that he told us about, he had given both and her friend a ride in his patrol car. I asked Officer Pennington if he had given any other ride while he was on duty and he said she had been on a ride along once before. He said other than that he had never transported anyone else. He said during the night of the theft investigation he followed normal procedure as far changing locations. I asked him when went on a ride along with him, if he had her fill out the ride along form and he said "yes." I told Officer Pennington that we had no record of ever going on a ride-along. He said he couldn't remember if he had turned in the ride-along form at the end of shift nor could he remember what supervisor he got permission from. He said he would have cleared it with either Sergeant or Sergeant but doesn't recall whom. I asked him he had ever driven in a reckless manner while transporting or her friends and he said "absolutely not." He said that the night did the ride-along with him he had to drive code 3 to a traffic accident that he assisted Officer with. He said that he picked up at her mom's residence and she rode for about 3 to 4 hours.

I asked Officer Pennington if he ever left the city limits to pick up , without his supervisor's permission and he said "no." I then asked him if there's any reason why his patrol vehicle's MDT computer would be pinging off cell towers in Fresno and he repeated "cell towers in Fresno" and then said "not that I know of." After a short pause he then said that there was this one situation when was intoxicated in Fresno and he went to pick her up. He said that

couldn't get a ride home so he picked her up. He said that he believes he asked his supervisors, because it's unlike him to do something like that without asking for clearance from his supervisor. He couldn't remember which supervisor he might have asked. He said that he picked up from the "Riverpark" area near Blackstone and Nees, in Fresno. Officer Pennington said he had called one of his supervisors once before and asked to pick up a "buddy" who was intoxicated and give him a ride and his supervisors allowed him to do this, but he couldn't remember what supervisor that might have been.

Officer Pennington said while he was off on light duty and working up in dispatch he worked a side job with at the Tachi Palace where they both posed like statues. He said that during this time his restrictions were no running, biking or elliptical so he was within his light duty restrictions. He said got paid \$400.00 dollars for both of them, but she took the money and purchased a bed for them.

Officer Pennington said that when he and first met he would go there from time to time or go by to show the kids his patrol car. He said that when he moved in with at her mom's house he would go by to get a bite to eat or pick up something like a cup of coffee. He said he usually didn't put himself out for code 7, but if he was tired and needed to put his head down he would. He said there was no set time that he would spend when he went by to pick something up and that it wouldn't be unusual for him to spend an hour and a half parked in the cul-de-sac working on reports. He said that he can't recall ever visiting with for that long of a time period. Officer Pennington said he never had sex with while on duty and if he did go there to sleep he put himself out on code 7. He said that he was always mindful of the radio traffic and would leave if a call came out. He said that he has handled calls for service from his cell phone when appropriate, but didn't feel he spent an unreasonable amount of time at the residence.

Officer Pennington said he has never engaged in any sexual activity inside his patrol vehicle. He said that he might have kissed while he was seated in his patrol car when he came by to visit, but never did anything else.

Officer Pennington said he has not used steroids while being employed with the City of Clovis. He said he has been accused of using steroids in the past and thinks it's because he's a bigger guy. He said that doctors have given him some type of cortisone injections before and he also received some type of shot when he got back from Afghanistan for a problem he was having with his shoulder that might have had some type of steroid. He said that this was back in 2007 or 2008. He said that he was also prescribed "AndroGel," which is a testosterone gel and also given a testosterone shot once. Officer Pennington said he would be willing to submit to a drug screening to test for steroids. He wasn't sure about the name of his doctor nor could he provide his doctor's address, but said that he could provide it.

I asked Officer Pennington if he ever took any military time off where he actually didn't attend training. He said that during the month of August he had talked to me and told me that he didn't need that Friday and Sunday off for that month's training weekend so he only put in for Saturday to attend training. He said that he was supposed to drive down to San Diego to sign some paperwork and that got cancelled while he was driving there, so he drove back and just took the night off from work, because he had not slept. He said that any time he submitted for any military time off he did something military related. He said from about June until recently, from the time he met , he's been in a "weird" time frame with the army. He said previously he was the company commander for the San Diego Unit and had many responsibilities that took a lot of his time and essentially it was another full time job. He went to two company commanders schools during the beginning of 2012 from January through March.

He said that he did attend the scheduled training during the month of April, but didn't recall what he actually trained on. He said that he wasn't in command of the Unit and was transitioning his responsibilities during this time. He couldn't remember exactly where he stayed for this training, but said he would be willing to provide some type of receipts at a later date. He said that he couldn't remember who he trained with because this was the time of his "transition period" and really didn't do that much training. He said that he wasn't required to be at training because he had a good year with

regards to points and again was transitioning units. He said that before his "transition period" they would train all day Friday, Saturday and Sunday until 1700 hours. He said this became very hard for him and that's why he used basically Friday and Sunday for travel days and didn't do any training during this time period. He said that for the month of May he was sick and didn't attend his military training and said if he hadn't been sick he probably wouldn't have attended training anyway. He said for the month of June he was in Camp San Luis Obispo, because he knew he was transferring to a new Unit in Dublin and wanted to check out some ranges for that area. He said he wasn't following a training schedule nor was he required to attend training during this time. He said that during this trip he had his son with him and was also with him with her child. Officer Pennington said he was caught in this "limbo state" and had the ability to do this type of stuff during this time. He said he was trying to do something military related during this time, because he had already put in for the time off at work.

I asked him if he attended annual training for the entire month of July and he said "I did not." He said during two of those weekends he was in San Diego doing some mandatory online training and was also tying up loose ends. He said on one of those dates he also gave his height, weight and did a P.T. test. I asked him who he was accountable to during this time to monitor what training or military related activity he was doing and he said he wasn't accountable to anybody during this time. He said that the online training could be done from home. Officer Pennington again said that for August he did not attend training for that Saturday and worked that Friday and Sunday. He said that he believed he attended training in October with his new Unit, but actually did a "cross fit" training in San Diego. He said this training would have been on Saturday and again Friday and Sunday were travel days.

I asked Officer Pennington if there was any expectation from the military or his employer with regards to putting in for three days off for training and using two whole days to travel. He said that, again, he was in a "transition phase" and not being paid by the military. He said that the City of Clovis gives him 240 hours of military time per year that needs to be taken in eight hour blocks for one three day period. He said this usually gives him only six to seven

months worth of one weekend a month drill time. He said he used a lot of his own time to supplement the additional training he was required to do throughout the year. He said that he doesn't keep track of his military hours. Officer Pennington said that the procedure for when he submits military time off is that we as a Department give him the time. He said that he recognized what was going on during this time and that's why he chose to change shifts so he wouldn't impact staffing and there wouldn't be a conflict anymore. He said that by doing this he hopefully won't have to burn his own time to attend any additional military training. Officer Pennington said that in hindsight he should have come to work during this "transition period," but since he had to supplement a lot of his own time for some of the required training that he did in the past, he took this time to try to expedite his transfer to his new Unit.

Officer Pennington said that with regards with these dates that were during his "transition period," he felt obligated to be there even if it was just for a short time and available. He said that his son along with and her son joined him for most of these trips where he was supposed to be training, with the exception of August.

I asked him if he did family activities with and the kids and he said in his off time he did, but didn't consider this time period as off time. He said he would check in and stay "local" in the area in case something "pops up" and they needed him to come back and would remain available to them for the duration of the business day. He said that it wasn't like they went off to the "zoo." I asked him if he ever was called to come back or needed for anything and he said that he was never called upon during this time. I told him that it seemed that he was using his military time during this transition period for personal family time. He said that he didn't look at it that way and there wasn't anything that he needed to do during this time so he did whatever he wanted to do.

Officer Pennington said he lost sight of how the department is required to give him the time off and since he had used a lot of his own time for military training in the past he was using both interchangeably. He said that when he put in for military time off he wasn't keeping track of his 240 hours and just figured that he would be notified by finance or Lt.

time. He said that he wasn't mindful that if he put the request as military time the Department would have to give him the time off. He said that he was not aware of this until now and thought if there was a conflict or staffing was below minimum that the Department could deny his time off.

He said that for his training in November he trained with his new Unit in Dublin for two out of the three days and was excused that Sunday from training to attend a Raiders game. He said he used his own time for this training and didn't see it as an issue since he was forthcoming about going to a football game. He said he was not aware of the "request title" when putting in for time off had that sort of effect and required the Department to grant him the time off. He said he didn't become aware of this until this interview.

I asked Officer Pennington about the RST records that were provided to use through Sergeant First Class which he signed for him. He said that he pulled those forms from his training records that he had after his attorney asked him if he had any training documentation for this IA. He said after he found his training records in which he recorded his training on the military regular scheduled training (RST) forms, he called Sgt. He said he used to work with Sgt. and asked him if he remembered him doing any of these trainings and/or dates. Officer Pennington said that Sgt. said he did remember him doing these trainings so he sent him the forms so he could verify them and sign them. He said he never told him to back date the forms when he spoke to him and doesn't know why he did that. Officer Pennington said that he never intended these records to be submitted under this official capacity.

Officer Pennington said he logged into the PlanIt scheduling system after he was put on administrative leave in order to reference for this investigation.

Officer Pennington said that he attended the Police and Fire games in June of 2012 and had stopped by to give a height and weight during that time to Sgt. He said that for that specific training weekend in June he believes he was in San Luis Obispo doing recon of training sites. I asked him if he was aware that a point was submitted for him by Sgt. when he came in to give his height

and weight and he said no. He said that the date the point was submitted on June 24, 2012, was not on the same day he was there during the week. He also said that he never signed in on the sign in sheet that goes around to hundreds of people to sign so they can keep track of who's there. He said since he didn't need any points and really didn't need to be at training he never signed in.

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Officer Pennington said that he and sometimes stayed with her sister who lives in San Diego when he was down there for training, but couldn't remember exactly when that might have been. I then told him that stated that during one of the July trainings which he said he did the online work she actually said that he didn't do any training. He said that he had gone to the Unit both Friday and Saturday morning and checked in while was sleeping.

Sergeant asked Officer Pennington specifically for his online training if there's a way of tracking his time while he's on the computer working, and he said that when you complete the course you can print out a certificate, which he said he could provide us if he was done with it, but was not sure.

I again asked Officer Pennington about the height and weight he provided in June that was recorded. I also asked him about the other height and weight he listed again in July; he couldn't remember who might have administered that diagnostic test during that time. I then asked him about the training he listed on his September training form; he again said he could not remember what he actually previously said he did during this month. He said that for that weekend he was delivering certificates of appreciation that he made for people and that took him most of the day. He said the other two days of training were used as travel dates.

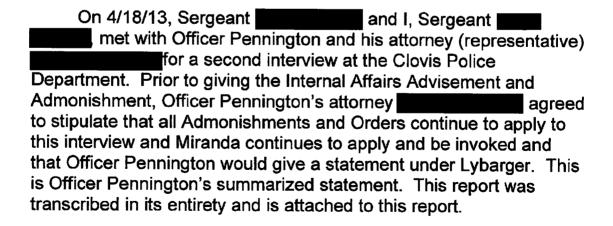
Officer Pennington said that he was interviewed by a workers compensation investigator back in February of 2013 regarding his knee injury. He said in that interview what he told the investigator is true, but said he was comparing his training to the way it was previously and not how it was during his "transition period." He said he took the time off to get caught up on some stuff, including some personal stuff.

Officer Pennington said that he had already submitted for the time off at the beginning of the rotation for his training so when he did talk to his supervisor and told him that he didn't have much going on for a particular drill weekend he was told "we'll play it by ear, if you want to come back let us know, if not it's already covered." I then made the statement that his supervisors did not know that he was on a "hiatus" or "transition period." Officer Pennington replied "right."

I asked Officer Pennington that his explanation of what military training he actually did during this six month "transition period" didn't account for all the time he took off. He said that driving back and forth between here and San Diego accounted for some of the time, but said that "there's a lot of time that's not accounted for, because I didn't have the responsibilities that I once had."

Officer Pennington said that he honestly didn't understand the importance of the request title and how by titling it "military or drill" regardless of what time bank he was using that he would be given the time off. He said when he used his own time bank under the title of "military or drill", he was under the impression that he was using his personal time and could be denied time off.

Kyle Pennington (Administrative Interview #2)



I asked Officer Pennington if he had any of the hotel receipts that we requested during our first interview and he said that he was still waiting for them to arrive.

We conducted this second interview to clarify some issues brought up during the first interview; specifically why Officer Pennington did not submit 1380's for retirement. The military uses the 1380 form to submit points earned by Reservists work or training they perform in the military. Reservists can submit points for time. pay or retirement. He again explained that he had made all his points for that year so there was no need for him to do that. I asked him if there was a cap on how many points he could put in for retirement for the year and he said he did not know nor was he interested in putting in for additional points at that point, because he already made a good year. I then asked him if he wasn't interested in submitting points why on the only day somebody can verify that he actually was at the San Diego Unit a 1380 was submitted when he was there to provide height and weight. He said that he never requested that a 1380 be submitted and somebody just did it. I asked Officer Pennington if he was only there for 30 minutes and was given 1 point why not put in for all those other times he said he was there checking in and doing the other military activities that we had previously discussed. Officer Pennington said that he didn't need the pay like most other people in the reserves and if he put in for pay it would mess up his VA disability percentage. This still doesn't explain why Officer Pennington would not submit points for retirement only.

Officer Pennington said that normally when a soldier goes in to do whatever and the officer or "NCO" who is dealing with the soldier will take care of submitting the 1380 for them.

I again asked him who he had checked in with during this time that we previously discussed other than when Sgt. was able to verify that he was there one day for only 30 minutes sometime in June. He said he would go show his face and was not sure who saw him while was walking around handling business that he needed to handle while he was there. I asked him to clarify exactly what business needed to be handled since he wasn't doing any training during this time and he said it could've been as simple as dropping off keys or picking up equipment that he had there. He said that one

time he met with a career counselor to finalize his transfer, but he didn't know their names. He again said he felt obligated to be there in case somebody needed him for something, because he was a subject matter expert for that unit in a couple of different things. He wanted to make himself available if anybody had any questions or needed to go do a face to face meeting so he stayed in the area for them. Officer Pennington said that no one ever took him up on his offer or called on him for anything even though he was available.

I told Officer Pennington that Col. Informed us that he had replaced him with a different Captain towards the end of December 2012. Officer Pennington said he was not sure if that's exactly when he was replaced but it was around that time. He said that he wasn't coordinating or doing any training for this unit during this time. He said he was trying to get off the battle rosters during this time. He said that he and Col. Indicated didn't see eye to eye and also mentioned that he's still waiting on an evaluation from Col. It was also signed off on him being placed on two separate battle rosters even though he knew about all the problems going on with his personal life.

I again asked Officer Pennington about his understanding when submitting time off related to his military training and what he thought using the title of "military or drill" would do in granting that time off. Officer Pennington again said that he assumed that when he provided the training dates to the department that he would get those days off. He said he didn't know that submitting it in PlanIt and titling it "military or drill" that it would automatically give him the time off. He said in hindsight because of the "transition period" there was probably situations where he didn't need to go down to San Diego and he could have stayed here and worked.

I asked him about the conversations he had with Lt. regarding his military time off and how Lt. told me that he had explained to him that all his military time that he submitted would be approved, regardless of what time bank he was using. Officer Pennington said that the conversations he had with Lt. did did not explain to him that by titling his time off "military or drill" in PlanIt meant that he automatically was guaranteed the time off.

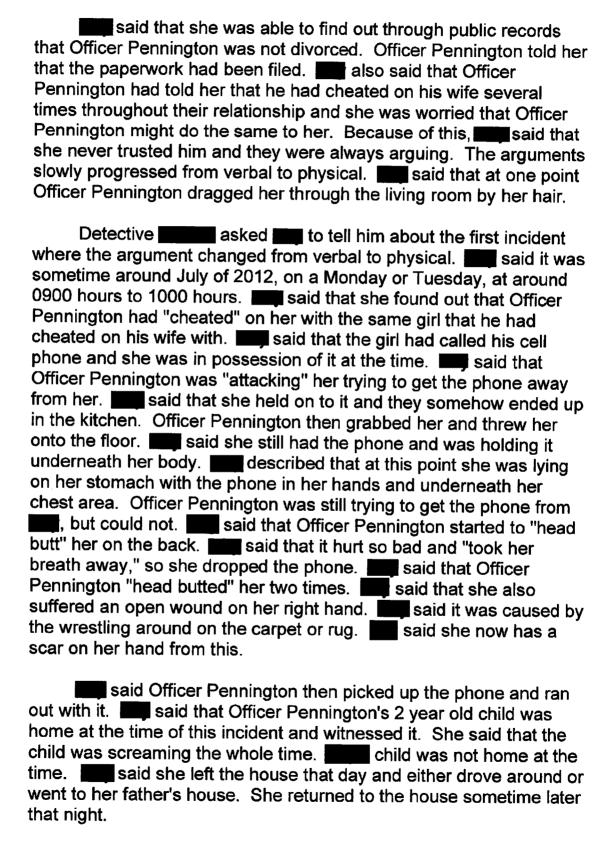
Officer Pennington said that during this "transition period" he would have been more than willing to come in and help if we were in a jam and somebody was going to get ordered in. I told Officer Pennington that unfortunately, he was the only one that knew his circumstances and he never told anyone that he didn't need to be at training. He said that he recalled a conversation that he had when he only needed one day off instead of three. I told him I recalled that conversation and, in fact, put him back on the schedule the other two days. I also told him that during this conversation with him he never explained all this "transition period" and the fact that he didn't have to be at training. Officer Pennington said that based on his experience with the City of Clovis, the association, and Lt. The property trainings and asking if he really needed to attend his training.

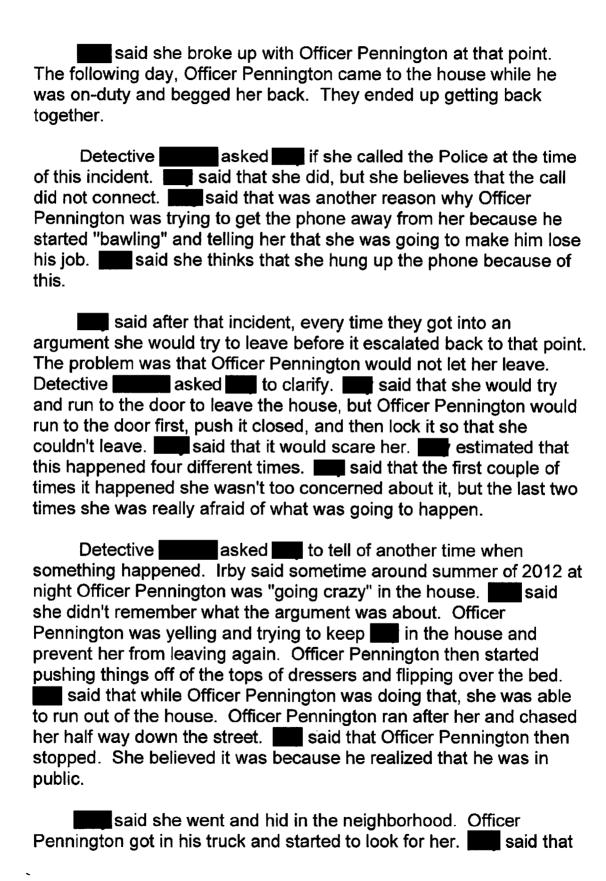
(Criminal Interview) On 3/20/13, Detective and Sergeant with the Complainant/CV1 at the Clovis Police Department. and Sergeant Interviewed Interviewed regarding Detective the criminal portion of this investigation involving the domestic violence allegations. This is summarized statement (See Detective criminal report under case #13-4197 for details). This report was transcribed in its entirety and is attached to this report. said that she met Officer Pennington while he was "onduty." said that she was hanging out with a female friend when her friend received a call from Officer Pennington. friend's boyfriend was being investigated at the time for stealing tailgates. said that Officer Pennington came and picked them up

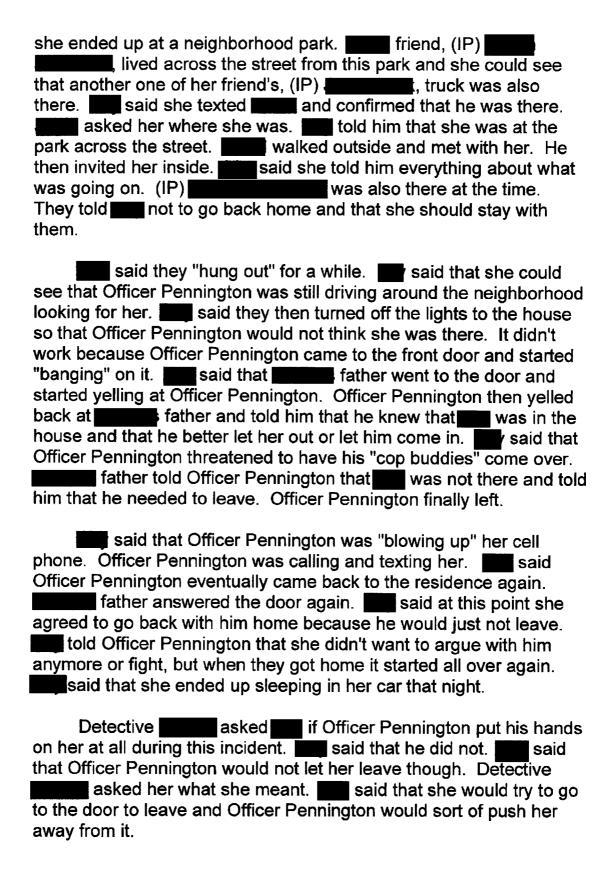
said after that they started to "hang out" and started a relationship. said that she later found out that Officer Pennington was married and had lied to her. Officer Pennington told her that he was divorced.

and took them home. Irby said that this happened sometime in April

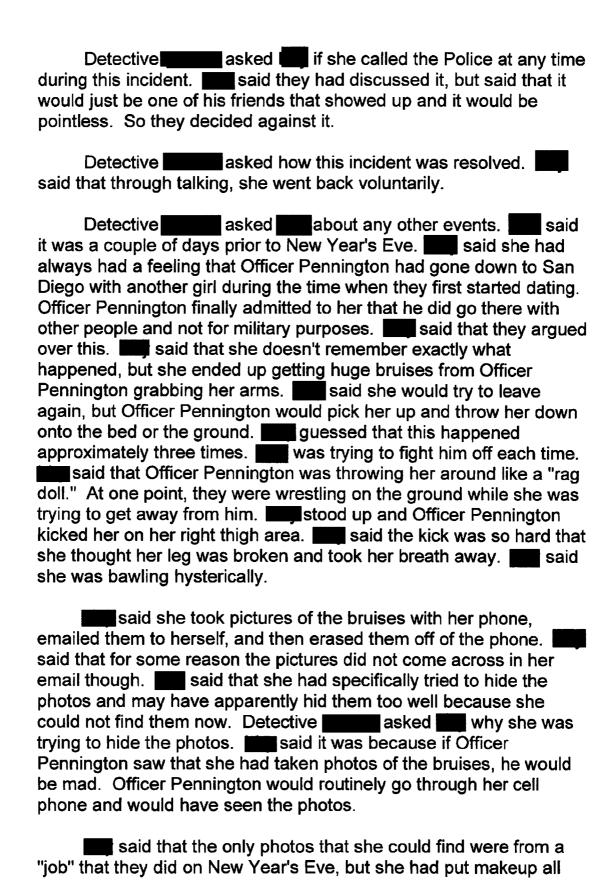
of 2012.

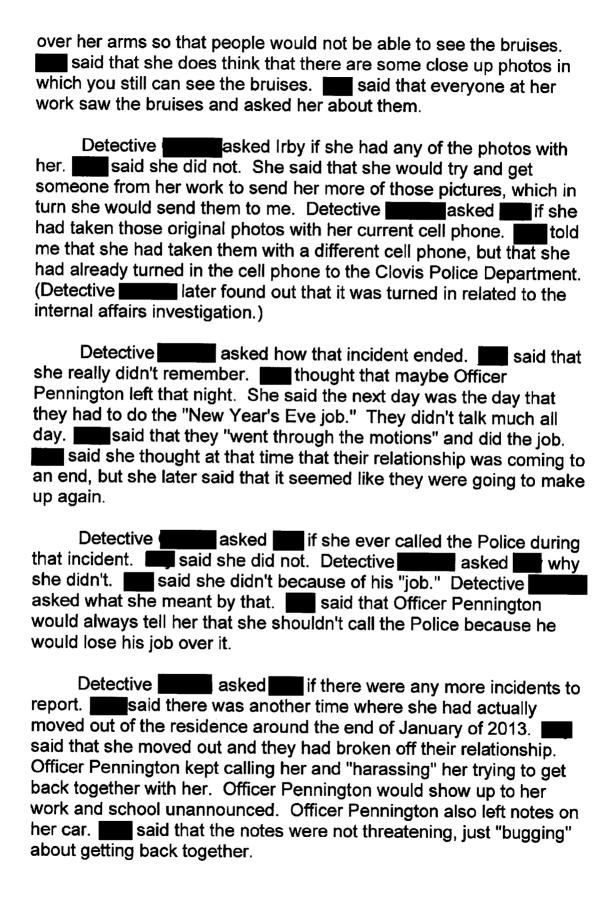






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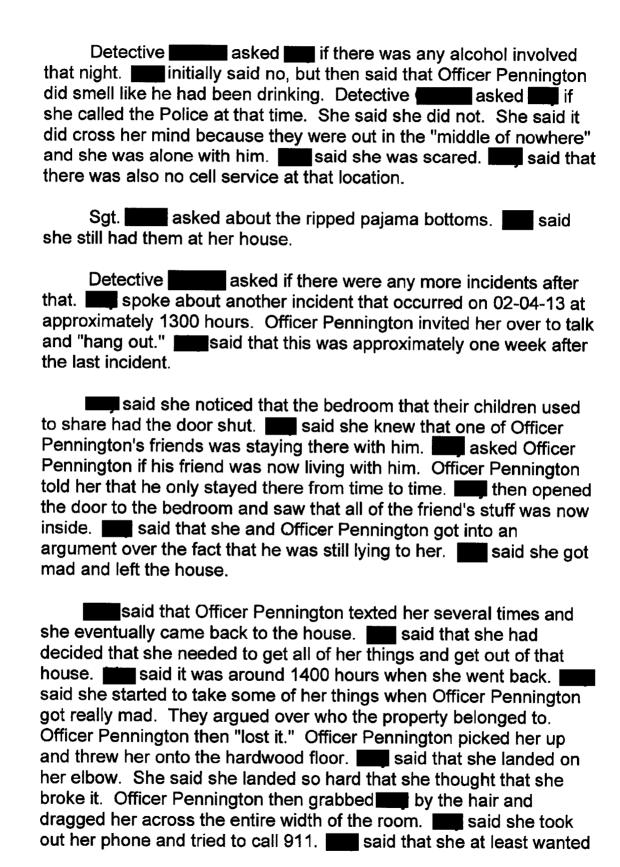
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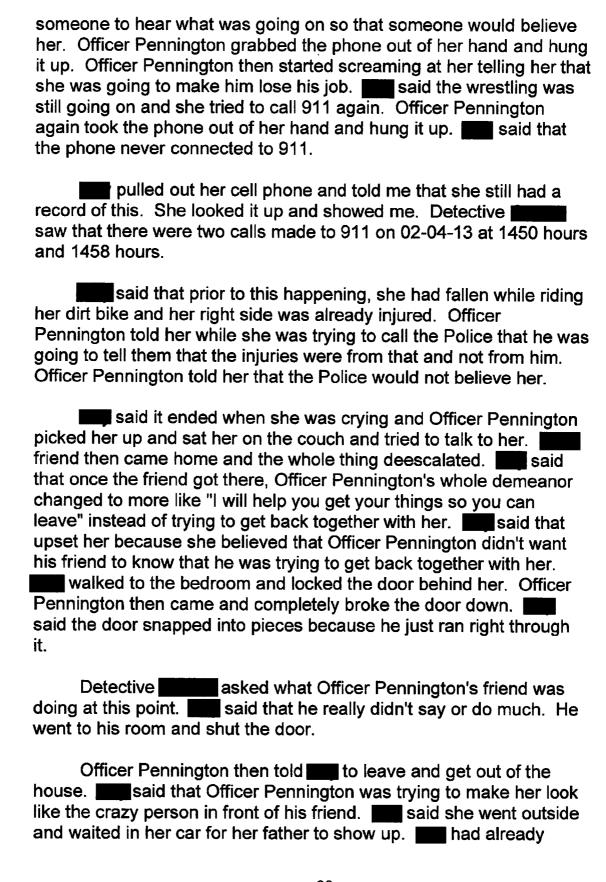
Officer Pennington asked her for her current address during a phone conversation under the guise that he was going to help her move some furniture. Said this was around 0200 hours. She sent him the address. Officer Pennington then told her that he was coming over now. Told Officer Pennington that she didn't want him coming over if it was just going to lead into another argument. Officer Pennington showed up a little while later.

and tried to get back together with her. Officer Pennington then took her phone and laptop computer and started to look through them.

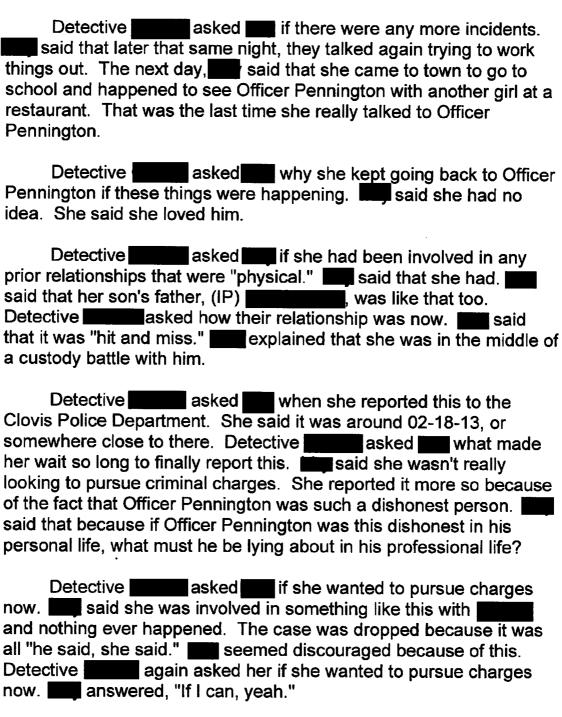
said that Officer Pennington was trying to see if she had been talking to anyone new. It tried to get the computer back from Officer Pennington and was able to shortly after. It ran into her bedroom with the computer and tried to lock her bedroom door. It told Officer Pennington that he needed to leave. Officer Pennington was able to get to her and started grabbing her. It said they then wrestled around as she was trying to get away from him. Officer Pennington then grabbed her by the hair and almost pushed her down the stairs. It said she was able to make it downstairs, but Officer Pennington then pushed her up against the wall and grabbed her by the face. Officer Pennington screamed at her, telling her that it was her fault that the relationship ended.

Officer Pennington started to get really "weird" with her. said that Officer Pennington started to try and have sex with her. said that Officer Pennington was acting like nothing ever happened and started to "force" her clothes off. said that she was in her pajamas. Officer Pennington ripped her pajama bottoms trying to take her clothes off of her. The rip was on the inseam area. said that if it had continued, it would have been considered rape. said that Officer Pennington got her pants off to her knees. She was able to kick him off and kept telling him to stop. said that she could tell that Officer Pennington had an erection and unbuttoned his pants a little. Officer Pennington then stopped. Detective saked why Officer Pennington stopped. said that she thinks that Officer Pennington finally understood at that point that they were not going to get back together.

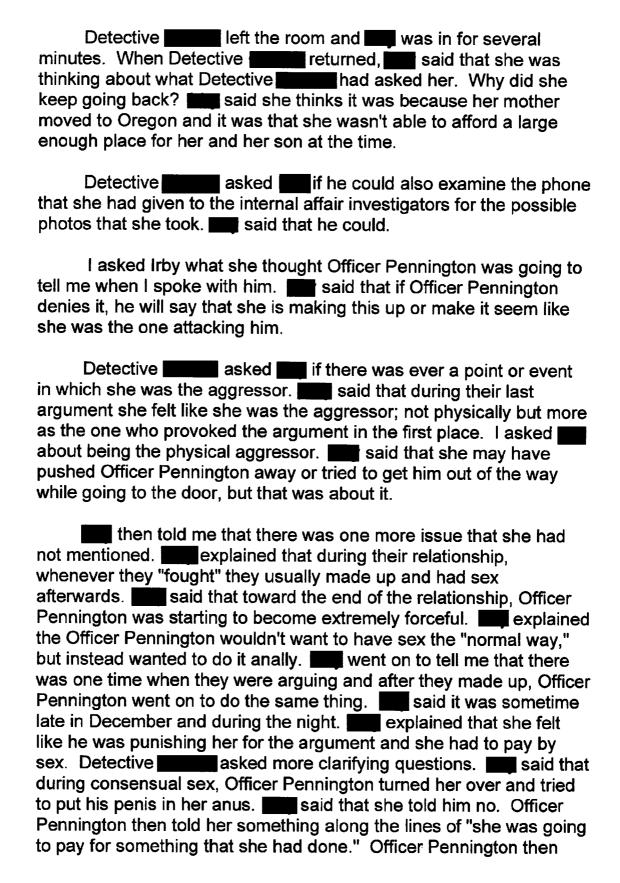


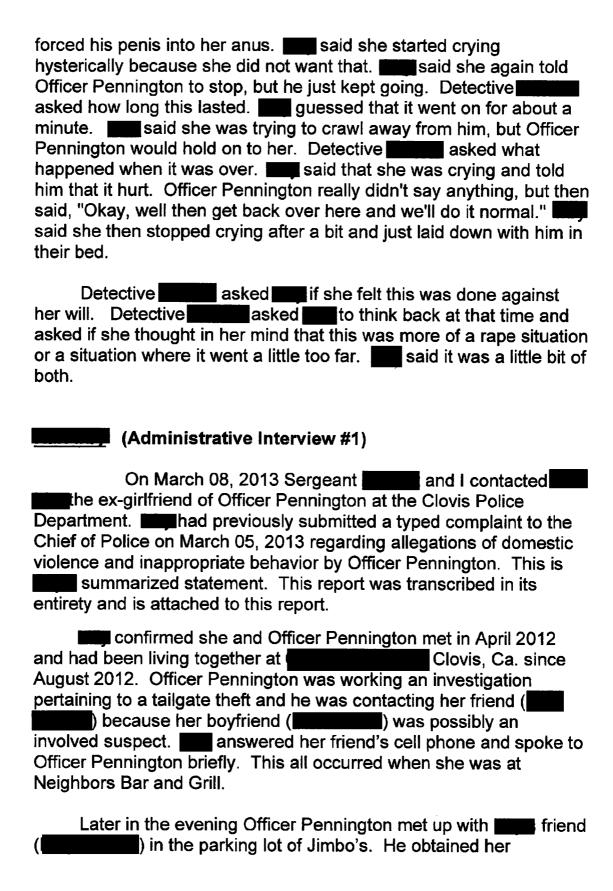


called her father to meet her there so that he could help her move some of the big items. Once her father arrived, she moved some things into his truck and then they left. said that she did not tell her father about what had happened.



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statement regarding the tailgate theft and this was when first met him. Officer Pennington gave both girls a ride home that night in his marked patrol. She recalls him telling them to be guiet so no one could hear or see them. After this incident she and Officer Pennington started hanging out and their relationship developed. Officer Pennington gave and her friend another ride home from Clovis after they had been downtown Clovis drinking. She specifically remembers meeting him behind Kimmi's bar area because he said the police cameras wouldn't be able to see him. recalls another incident where he left the city limits to pick her and a friend up in the City of Fresno near (Nees/Blackstone Ave). When they drove back to the City of Clovis he was driving at a high rate of speed approximately 120 miles per hour. said while she dated him he would constantly send her text messages while working. She would receive these from his personal cell phone and his work cell phone. She said when they were together he would come over to her parents residence at and they would have sex or oral sex. This occurred almost every time he worked. Many times he would only take his uniform off partially. She did recall one incident where he received a call and he had to get dressed and leave. They also fooled around while in his

mother (Section 2014) and her step dad (Section 2014) had knowledge that Officer Pennington was coming over to see their daughter. He eventually moved into their residence for a few months before moving to the saddress. While they were living together saw in Officer Pennington's overnight bag, syringes and thought he was doing steroids. She saw a vile with Chinese writing all over it. She didn't ask him specifically if he was using, but he did tell her he was going to go to a doctor for human growth injections. She said he did use a testosterone gel, which was prescribed by his doctor. This doctor (unknown name) was located in the area Sunnyside and Kings Canyon, near the GB3 gym he works out at.

patrol vehicle while she would be on a ride-along. recalls going on two ride-alongs with Officer Pennington. They would kiss and he

would want her to touch him.

Once they moved in together he would occasionally come home while he was at work. They only lived together for a few months and she eventually moved out in February of 2013. She still had some personal items there, but she was staying at a different location.

said at the beginning of their relationship they would go out

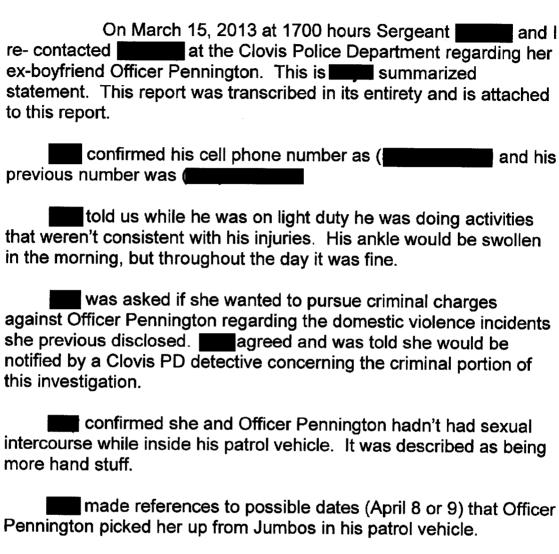
and do normal things. Towards the end he got very controlling and didn't like her being out with her friends. recalled many occasions when he would become physically abusive towards her, leaving bruises all over her body. During these fights he would verbally abuse her, pull and drag her around by her hair. She recalls an incident which occurred on February 4, 2013 they were involved in a physical disturbance. He was pushing her around and wouldn't let her leave the house. She attempted two different times to call 911, but he ripped the cell phone away from her. She said her dad () was aware Officer Pennington was abusive. also referred Officer Pennington to be a "sex addict". She said he actively searched the internet for pornography and has several hard drives. She found a home video of him and a girl named that he was cheating on her with. She quickly learned he was a liar and had previously cheated on his wife of twelve years with this same girl. He is still technically married and they have a son together. She and the wife stay in contact via Facebook. said Officer Pennington was already dating a new girl named (

While they were together she recalls him only going to one military training in San Diego. He would tell her as long as he tells his work it's for military purposes, they don't question him. The one military training she did attend with him was in Dublin, Ca. for two days. He didn't attend the second day of training.

While Officer Pennington was on light duty he worked a paid detail standing as a bronze statue at the Tachi Palace Casino.

(Administrative Interview #2)

(



During the weekend of April 27 thru May 1 they went separately to San Diego to party with some friends/family. She remembers him being off work at Clovis Police Department for military leave. She stayed with her sister. They met one morning for breakfast and she thought his behavior was very suspicious. When she got back home she later looked at his credit card statement and noticed things like: dinner, bars, nail salons, and other places that guys wouldn't go. She figured he was cheating on her while he was there.

The weekend of July 13-17 she went with him to San Diego, but he never attended any military training. This was the weekend they were going to Canada for a wedding and her passport didn't come in. They took a trip back to San Diego, since he already had the time off from the Clovis Police Department.

On November 02, 2012 while he was on duty he got upset at her because she was with some friend's downtown. He showed up downtown and they got into a verbal argument while he was on duty. He somehow got off work and went to his ex-friend's house. She provided us with some names of her friends who witnessed this verbal argument.

She had previously told us about a fight where she ran to a neighbor's house and he chased her half way down the street. She hid at a nearby park for approximately 5-10 minutes and he started driving around looking for her. She was able to get to a neighbor's residence and stayed with them for a while. She provided us with their information. Pennington later realized where she was located and came to that residence banging on the front door.

informed us of another altercation where Officer Pennington damaged her car door by breaking off the handle. She said her son was with her when this happened. She advised he hasn't treated her son in a negative way other than occasionally bossing him around.

(Administrative Interview #3)

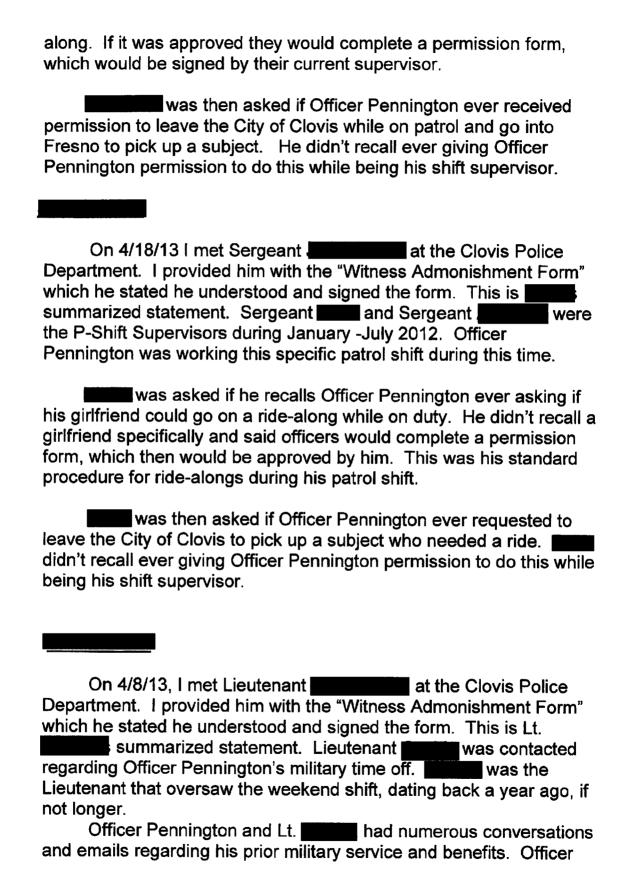
On March 20, 2013,	responded to the Clovis Police
Department for another follow-up in	nterview with Sergeant
This is summarized statemer	nt. was asked what time
periods she had gone on the two rice	de-along's with Officer Pennington.
Both times she was never given or	completed a ride-along waiver.
	-
confirmed the first ride-al	ong was during the first month
they met in April 2012. She remem	nbered coming into the booking
area and meeting Jail CSO-	Officer Pennington picked her
up both times at her parent's reside	ence in Clovis around 2100 hours.

She never attended his briefings and thought his shift started at around 1700 or 1800 hours. thought the second ride-along was also in the Summer of June-July 2012. She had previously posted it on Facebook, that's she was going on a ride-along, but he made her delete it. confirmed during both ride-alongs they would engage in sexual activity while in his patrol vehicle. During the times he would come visit her at her parent's residence they would lean on his patrol vehicle and kiss, while in the front yard. They also would engage in sexual activity in her bedroom when he would come visit her while on duty. provided Sergeant photos regarding the paid event at the Tachi Palace Hotel and Casino during New Years. also informed Sergeant that she was unable to DOB: telephone number. They just chatted over Facebook, and he wouldn't provide her with his contact information. mentioned she and Officer Pennington's ex-wife are friends with each other on Facebook and they have discussed how he cheated on both of them. said his ex-wife denies being a victim of any domestic violence. On 4/25/13 I met Corporal at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is s summarized statement. Corporal and Sergeant

alongs during this time frame. It was common practice and policy that officers would ask their supervisor's permission to have a ride-

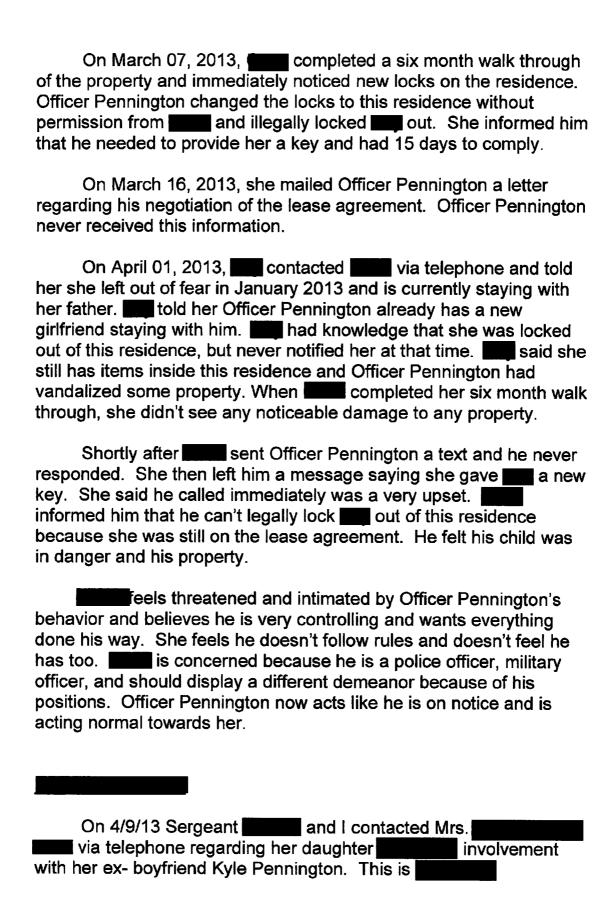
Pennington was working this specific patrol shift during this time.

were the P-Shift Supervisors during January-July 2012. Officer

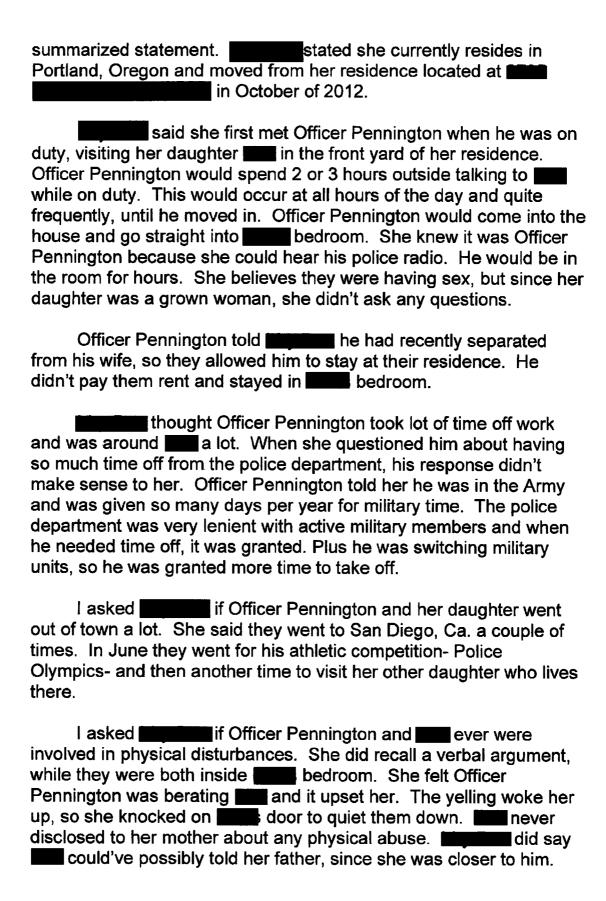


Pennington would discuss with Lt. his military drill dates/times he needed to attend. Last Summer and Fall Lt. informed Officer Pennington he needed to submit his dates for military drill in a timely fashion to get him on the patrol schedule to staff patrol. It was explained to him that turning these dates in late could result in an officer being ordered in or an extra-board to cover his assigned patrol shift, because his military time off could not be denied. Officer Pennington received 240 hours for military time and it was always approved. His hours started adding up because he was working a weekend 12.5 patrol shift. Once this time was exhausted Officer Pennington had to burn his own time. Officer Pennington told Lt. he had different banks he could draw from. There was no misunderstanding regarding his time off. Lt. said he told Officer Pennington that we as a Department would not deny his military time off. Officer Pennington would provide his dates and the type of training he needed to attend. He knew Lt. would approve it in Plan-it. Everything Officer Pennington submitted was previously discussed with Lt. submitting his time off was just record keeping. Lt. said Officer Pennington wasn't asking him for the time off, he was telling him what days he needed. Lt. told Officer Pennington the police department would have to accommodate his military time off. On April 9, 2013, Sergeant and I contacted at the Clovis Police Department regarding Officer Pennington renting a residence, which she manages. This is summarized statement. explained she manages the property located at where Officer Pennington currently resides at. She advised us of many issues she has been currently having with him. Officer Pennington informed via telephone on March 28, 2013 that his divorce was final and he wanted to take possession of his home in Sanger, Ca. Officer Pennington wanted to get out of his current lease agreement and was on recently placed on administrative leave, because had filed a complaint against him.

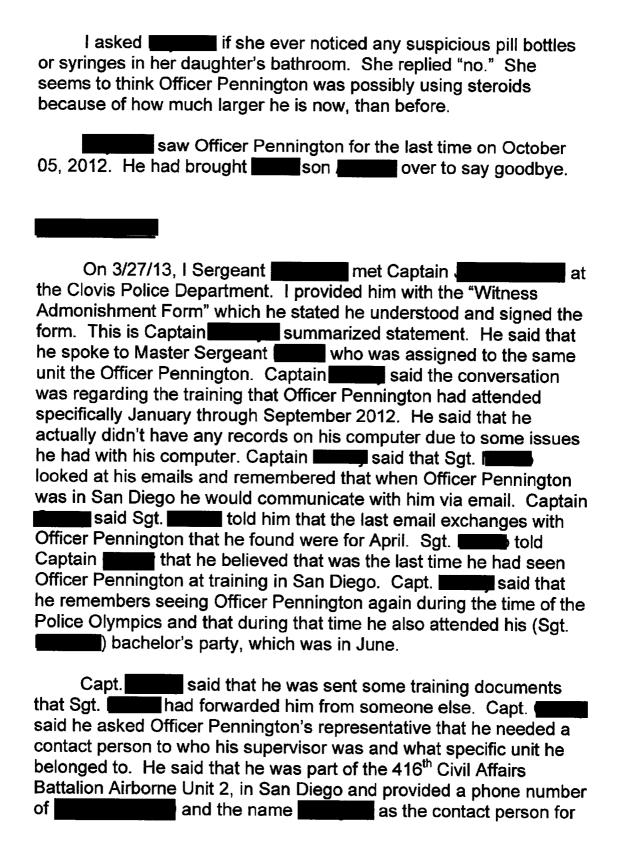
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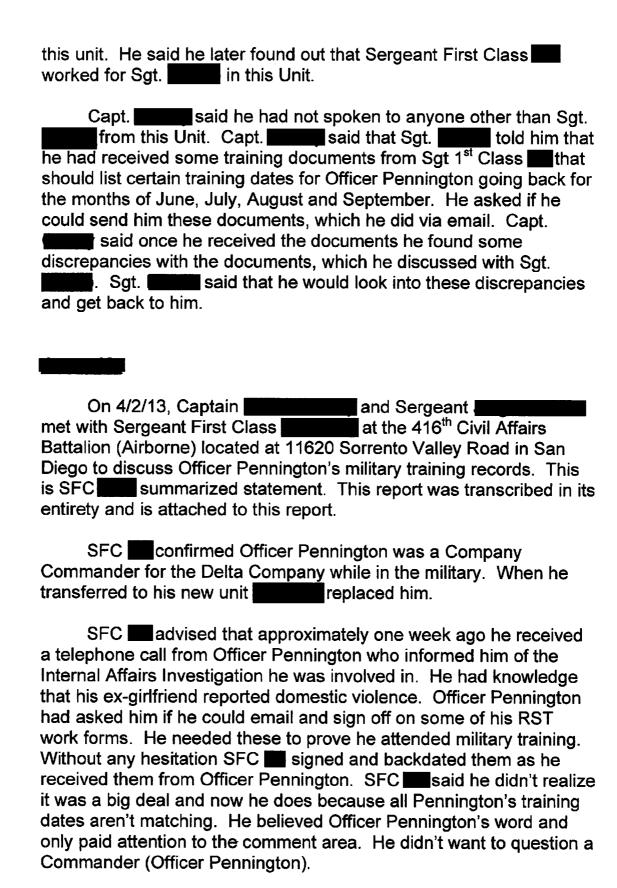
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SFC said Officer Pennington only drills for retirement points, because he already had enough time for the year. It is illegal to double dip from the Veterans. He had previously gone to schools earlier in the year that covered his time.

SFC said Officer Pennington's status was popping up red in his computer and he needed to complete his PT test- height/weight. Officer Pennington was coming to the San Diego area in June while he was participating in the Police and Fire games and would take care of it then. On June 14, 2012 he completed his height and weight, but no PT test and turned in a support form for a half day's pay. SFC remembers Officer Pennington was in pain and beat up from the police games. He said Officer Pennington brought his girlfriend or a girl with him.

SFC couldn't recall any other dates Officer Pennington was present during training. He did say that all soldiers have thirteen different mandatory online training courses that need to be completed to stay current for 2012. Because Officer Pennington was a Commander for the military he had a common access card reader which provided him access to complete these courses from home. He doesn't know when he completed these online training courses. SFC said that he encourages all his soldiers to do their required online training from home whenever possible so they have more time to dedicate on active outside training.

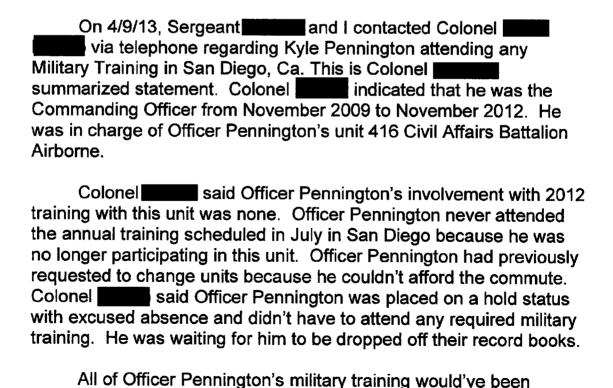
Officer Pennington was reassigned to his new unit effective September 24, 2012. His new unit would have access to retrieve all of his previous dates/times to verify if he was present. said he was very active in 2010-2011 and the first part of 2012. Pennington hasn't been active at any military training since April 2012, because of his transfer to his new unit.

SFC confirmed some of the training dates involving Officer Pennington's activity:

- Feb 2012 up to April 2012- Excused
- May 18,19,20- Excused
- June- July Training- Excused

- June 14- PT test for height/weight (attended)
- June 23-24 Recon training and training coordination at Camp Pendleton (Only if he was there he would've turned in paperwork)- No paperwork provided
- July 28-29, 2012 (No record)
- September 15-16- Missed training date (Requested his make-up to be the same weekend)- paperwork incorrect
- October dates filled out incorrectly

SFC said because of this Internal Affairs Investigation it was hard for him to believe that Officer Pennington would make this up. He was very surprised he did this. SFC confirmed Officer Pennington didn't submit any 1380 forms during this timeframe for points. Captain Gentry explained to him once again that if a soldier doesn't attend military training you have no forms to complete.



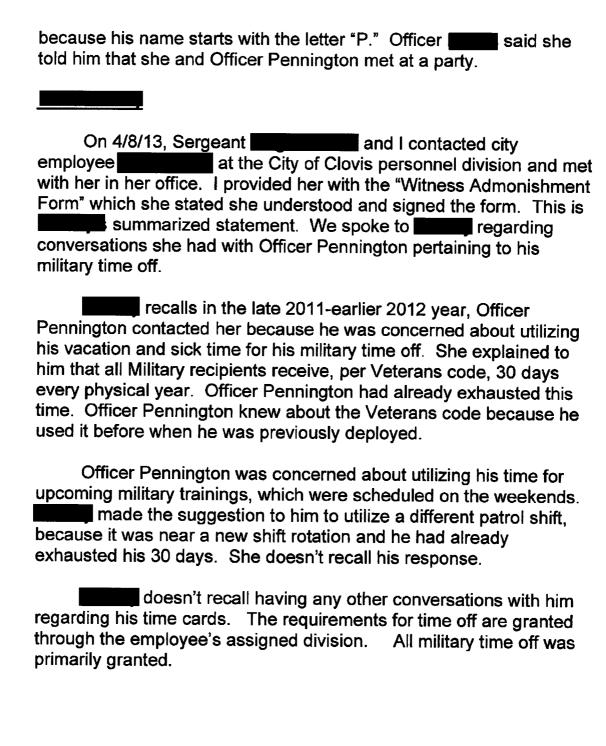
checked by Colonel , which never happened. Since Officer

Pennington's status was on hold, he was replaced by Captain

Colonel said Officer Pennington never sent a
Request for Rescheduled Training (RST) form to him in 2012
because it would've been a signed document. He stated First Class
Officer provided Officer Pennington an RST form, but if they didn't
have his signature they weren't valid. When these forms aren't valid,
the Military Reservists don't get paid for their time. Colonel
also said Military Reservists submit a Record of Individual
Performance of Reserve Duty Training (US Army form 1380) which is
used for military pay action or points added for their retirement.
Officer Pennington only submitted one of these forms in June 2012.

On 3/25/13, I Sergeant met Officer at the Clovis Police Department. I provided him with the "Witness Admonishment Form" which he stated he understood and signed the form. This is summarized statement. I asked Officer about a conversation he had with Sergeant was out on a burglary call at in Clovis, helping out a female (identified as), when she mentioned she was dating an Officer. Officer asked her what Police Department her boyfriend worked for and she told him Clovis PD. Officer asked her what the Officer's name was that she was dating and she replied "Officer" He said he found this amusing since he never met this woman before and again asked her if she was sure the Officer's name was "I and she said yes. Officer said he then told her that he was the only "lates" that worked for Clovis PD. Officer said she then looked at him and was stuttering with "P" and he said "Pennington," and she replied "ves."

She said that she was supposed to go to Officer Pennington's house for a Super Bowl party, but when she got home she found that her house had been burglarized. Officer said he called Officer Pennington and confronted him about possibly "dropping his name" to females. He said Officer Pennington told him that he wasn't. Officer said he doesn't think Officer Pennington would actually use his name to meet girls. Officers said he thinks she was confused



OPINIONS AND CONCLUSIONS:

On March 5, 2013, Complainant submitted a letter to the Clovis Police Department in which she made several serious allegations against Officer Kyle Pennington. The allegations made by the complainant were expressed in the letter that she wrote which stated that Officer Pennington was a dishonest person of such low integrity that she was astonished that he would be working and representing our Department. The allegations specified that Officer Pennington was taking advantage of the Clovis Police Department by taking time off from work under the guise of military training and not actually attending any training, but instead hanging out with her, going out drinking or out of town on vacation. The complainant said that during these times Officer Pennington would make comments that he needed to "lay low and stay out of Clovis" so he would not get caught while doing this.

Upon completing our investigation with regards to Officer Pennington's military training, we found that he did not attend any of the scheduled trainings for the San Diego Unit from April through September 2012. We confirmed this by Officer Pennington's own admissions, military records and witness statements. Officer Pennington put in for time off from work for this training and was getting compensated for this. Officer Pennington was in the process of changing military units and got excused from attending all military training for this time period in question. Officer Pennington had knowledge of the impact his absence was having with patrol staffing and did not make any attempt to inform his employer or supervisors of the fact that he did not have to be at training and that he could be put back on the schedule and return to work. Officer Pennington had many reasons and excuses as to why he did not return to work or inform his supervisors of the fact that he did not have to attend training. The explanations given by Officer Pennington as to what he was doing that was military related for this six month time period was so incidental that it might have accounted for maybe one weekend of this entire six month period.

Officer Pennington said that he was unaware that when he submitted military time off into the PlanIt scheduling system that by titling it "military drill," "drill," or anything military related, that he would

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automatically be given the time off regardless of whatever time bank (bucket) he used. However, Lt. said that he had many conversations with Officer Pennington regarding his military time off and made it clear to him that any military time off requests would be granted. He indicated that Officer Pennington was well aware of this and, in fact, told Lt. the dates he needed time off for rather than asked for it. Also, Officer Pennington makes the statement that he assumes that his military training requests for time off will be granted. This suggests that Officer Pennington knew the mandatory nature of his military time off requests. There is no other reason why an Officer would assume any type of time off request would be granted.

The complainant () told us that she was with Officer Pennington on most of these weekends that he was supposed to be off doing military training and said that they either went out of town or just hung out in town or did things with the kids. Said that Officer Pennington would log onto his computer and tell her that he was off for "military duty," but he would never go and they would spend that time together. Officer Pennington confirmed with us that, in fact, along with their kids, were with him during most of the time he was supposed to be actually doing military training, but based on his own statements, no training actually happened.

Officer Pennington described how he felt obligated to his guys at his former unit and wanted to be available to them in case they needed something. He said that he would usually go in and "check in" with the guys and let them know he was in the area in case they needed something. When I asked Officer Pennington who he checked in with, he could not provide the names of anyone who would have checked in with. We also asked him if anyone ever called him for anything and he said "no."

We asked Officer Pennington to provide hotel receipts to show which weekends he actually went to the San Diego area even though he told us that he was not attending actual military training. He provided us with a total of four receipts, three bank statements and one hotel receipt. Two of the receipts were for the dates 4/25 through 4/30. These two receipts had some of the transaction activity blacked out with a marker from 4/25 to 4/27 and showed transaction activity in

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the City of Upland and San Diego on dates outside of when his training weekend for this month was actually scheduled. The third bank statement he provided also had transaction activity blacked out with a marker from 7/12 through 7/16 and again showed activity in the City of San Diego and Lebec for dates outside of when his training weekend for this month was actually scheduled. The fourth was a hotel receipt he provided that showed two transactions; one in the San Luis Obispo area on 6/23/12. This transaction date did fall within his training weekend for this month, but he was not in the San Diego area. Officer Pennington did provide an explanation for this during one of our interviews, saying he was doing military related "stuff" and had driven to San Luis Obispo to do some "recon" of some ranges and watch a video and take a test so he could have access to new training locations for the new Unit in Dublin that he was going to be transferring to. Officer Pennington said the video and test were not available when he got there, but he did drive around and looked at the ranges. He said that his son was with him as well as

It is clear that the military time off that Officer Pennington was taking was not only for non-mandatory purposes, but was completely voluntary and consisted of activities that he could have done on his regular time off from work. Instead, Officer Pennington chose to use paid time off from an entire weekend shift to do these activities. In fact, Officer Pennington admits during his initial interview that he cannot account for a majority of his military time off and fails to give any reason for this. He routinely fails to recall any significant details regarding any of his activities during these time-off events that could hold him accountable for his time. For instance, he cannot give important names, descriptions of his activity, specific locations, etc.

On February 26, 2013, Officer Pennington provided a recorded statement to a worker's compensation Investigator hired by the City of Clovis to investigate a claim Officer Pennington had with the city. This report was transcribed in its entirety and is attached to this report.

In this interview Officer Pennington told the Investigator that he was not required to go to drills and was switching over units. Officer Pennington said he had taken a "little hiatus from the reserves altogether to get some of my personal stuff squared away." He also

told the Investigator he had not gone to drills from April through November 2012. He told the Investigator that November was the first time he had gone to drill in Camps Parks.

Officer Pennington attempted to provide training records at the request of his attorney for any training that he might have done during this time period in question. Officer Pennington's method of verifying these training records is highly suspicious in the fact that he called a member () of his former unit in San Diego and asked him to verify training that he, in fact, never attended. This is based on his own testimony when he told us that he never actually attended any formal training for this Unit. Officer Pennington called SFC after he was given notification of this I.A. investigation by the Police Department. After speaking to Sergeant First Class he confirmed that he never verified the dates specific to the trainings and only looked at the section under "duties performed." SFC said that when Officer Pennington, who was his former company commander, called him and told him he was being investigated by the Police Department and needed him to verify some "RST" records that he never submitted, he had no reason to question him and agreed to sign the records he sent him. SFC said that he wished he had looked at the actual dates on the forms now, because he realized after he signed them that they were not accurate and actually got himself in trouble over it. The trainings or activities that Officer Pennington spoke to SFC about might have actually happened at some point prior to this six month time period in question, but it definitely didn't happen during the time specified.

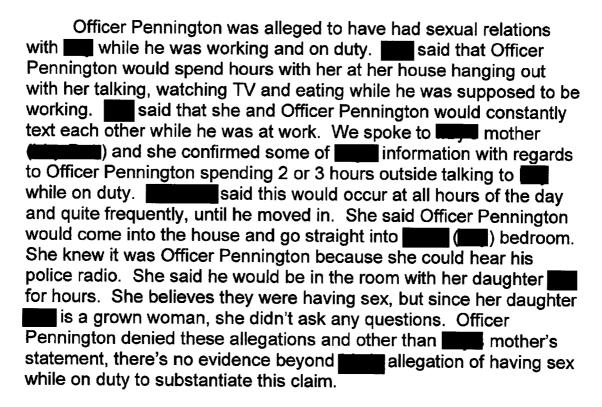
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The training record which Officer Pennington's submitted was an attempt to fill in holes after the fact of this investigation being started. Officer Pennington took advantage of his subordinate () by having him sign training records which SFC could not have verified because Officer Pennington was not checking in with SFC nor was he doing any training with or for that unit. The only documented time during this six month period where there's any record of Officer Pennington being at the San Diego Unit was when he was already in San Diego participating in the Police and Fire Games and went in to provide a height and weight on June 14, 2012. Again, was with him and this date was outside of when his training weekend was actually scheduled.

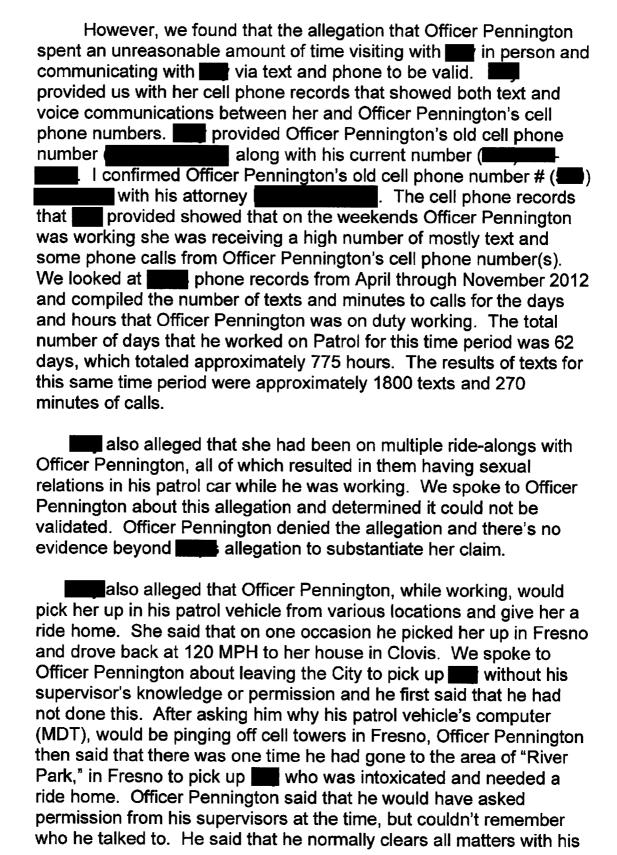
All these actions by Officer Pennington were, in our opinion, deceitful and done as an attempt to cover up the fact that he was taking this time to do personal activities and spend time with his girlfriend at the time () and family.

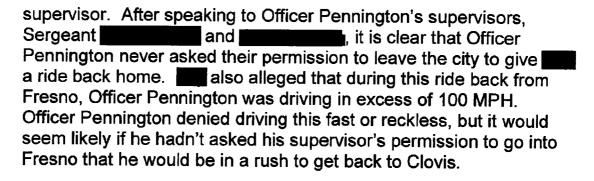
Officer Pennington was alleged to be performing activities outside his light duty restrictions while he was out on "Light Duty" and off from work. said that he would play sports, do construction work on his house and go to the gym on a daily basis. We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond allegation to substantiate her claim.

Officer Pennington was alleged to have on multiple occasions drunk heavily and driven his personal vehicle while intoxicated. We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond allegation to substantiate her claim.



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We also determined that Officer Pennington either never had fill out a ride-along form or never turned the form into his supervisors. said the two times she went on a ride-along with Officer Pennington she never filled out any type of form. Officer Pennington said he had fill out a ride-along form, but can't remember if he turned it in. I checked our ride-along files in our records department and did not find any ride-along forms for

alleged that Officer Pennington was using steroids, due to syringes and bottles of foreign substances that she had seen in his belongings. She said that his temper and body type is also why she believes he is using steroids. Officer Pennington denied the recreational use of steroids and said that he had received some steroid shots from a doctor when he injured his shoulder back in 2007 or 2008. He said that his current doctor had prescribed him some type of testosterone gel because he was feeling lethargic and putting on weight. Officer Pennington didn't know the exact pronunciation of this doctor's name and said his office is in the area of Kings Canyon and Clovis Avenue in Fresno.

Officer Pennington initially agreed to submit to a blood screening to test for steroids. We made arrangements with the city attorney and scheduled the test to be performed at the Police Department, but the day before the test was going to occur, I received a call from Officer Pennington's attorney stating that he had changed his mind and would not be submitting to the blood test at her request.

also alleged that Officer Pennington was addicted to sex as well as pornography. She said he had multiple computer files of pornography, in which the girls appeared not to be of legal age. After speaking with , she clarified that the pornography Officer

Pennington had viewed or possessed was adult pornography and determined not to be illegal. We decided not to question Officer Pennington about this allegation due to the above finding.

alleged that Officer Pennington, on multiple occasions, battered her, causing serious injuries. She said that during the alleged domestic violence she sustained bruises on her arms, legs and ribs. She said that Officer Pennington was both physically and mentally abusive to her. On 03-20-13, made several allegations that Officer Pennington head butted her in the back, kicked her in the thigh, and pulled her by the hair during several different arguments. Irby and Officer Pennington were living together at the time in a dating relationship. described several visible traumatic injuries that she incurred as a result. Irby showed us a small scar on her right wrist that she said was caused by Officer Pennington. This is in violation of PC 273.5(a).

also stated that during consensual sex following an argument, Officer Pennington inserted his penis into her anus without her consent. told Officer Pennington to stop, but he did not. This is in violation of PC 286(c)(2). Officer Pennington denied all of the allegations of domestic violence against

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Officer Pennington's conduct regarding the alleged domestic violence and sexual abuse was substantial enough to be investigated and forwarded to the District Attorney's Office for filing and, therefore, his conduct and decisions reflect poorly on the Clovis Police Department.

Officer Pennington's notoriously disgraceful conduct and behavior was again documented in a separate domestic violence crime report with a different complainant/victim. This separate complaint came in independently of this allegation. The preliminary findings of the new allegations show a similar pattern of behavior and conduct for Officer Pennington. The new Internal Affairs Investigation will be on two additional documented cases of domestic violence alleged against Officer Pennington. This new investigation is ongoing and is documented under Internal Affairs report #13-05.

At the conclusion of this investigation, it is clear that Officer Pennington has been deceptive both before and during this investigation; making attempts to hide disgraceful and dishonest behavior, defrauding the Department in the form of paid time off for fabricated military responsibilities in which he must have known would not be denied him by the Department, as well as denying grossly unbecoming behavior in the form of domestic violence when there is growing evidence to prove the verity of this allegation.

FINDINGS:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Not Sustained- We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond allegation to substantiate her claim.

Clovis Discipline Policy 340.3.4 (a) – Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Not Sustained- We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond allegation to substantiate her claim.

Clovis Discipline Policy 340.35 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

<u>Sustained</u>- Officer Pennington's off duty conduct regarding the alleged domestic violence abuse was substantial enough to be documented and forwarded to the District Attorney's Office for filing. This reflects poorly on the Clovis Police Department in addition to Officer Pennington. During one of the reported verbal arguments with the complainant, Officer Pennington went to a neighbor's house looking for the complainant. Officer Pennington was banging on the doors and demanded that they have the complainant come outside.

The complainant had gone to the neighbor's house to get away from Officer Pennington.

Clovis Discipline Policy 340.35 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

<u>Sustained</u>- Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful and done in an attempt to cover up the fact that he was taking this time to do personal activities and spend time with his girlfriend at the time and family.

Officer Pennington made misleading statements during his interview with Sergeant and me, Sergeant

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Clovis Discipline Policy 340.35 (n) - Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

<u>Sustained</u>- Officer Pennington also left the City and drove to Fresno to pick up his girlfriend () and did not inform his supervisors or ask permission.

Again, Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful.

Clovis Discipline Policy 340.35 (o) – Criminal, <u>dishonest</u>, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

<u>Sustained</u>-Officer Pennington's off duty conduct regarding the alleged domestic violence abuse was substantial enough to be documented and forwarded to the District Attorney's Office for filing. This reflects poorly on the Clovis Police Department in addition to Officer Pennington. Officer Pennington has a new Internal Affairs Investigation that is currently ongoing and involving three additional allegations of domestic violence.

Clovis Discipline Policy 340.35 (p) – <u>Failure to disclose material facts</u> or the making of any false or misleading statement on any application, examination form or other official document, report or form.

<u>Sustained</u>- Officer Pennington submitted for military time off with the Police Department from April through September of 2012, which he did not attend. The explanation given by Officer Pennington of what he did that was military related during this time was so incidental that it didn't account for the majority of time that he was being compensated for. Officer Pennington's actions were deceitful.

Clovis Discipline Policy 340.35 (z) – <u>Violating any misdemeanor or felony statute.</u>

<u>Pending-</u> The District Attorney's Office is still reviewing this case along with three additional cases of domestic violence against Officer Pennington; this is documented under new IA #13-05

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Not Sustained-We spoke to Officer Pennington about this allegation and determined it could not be validated. Officer Pennington denied the allegation and there's no evidence beyond allegation to substantiate her claim.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

<u>Sustained-</u> Officer Pennington admitted to taking on ride-alongs, however, no forms were found to be turned in for these incidents. This constitutes a liability for the Department in the case that any harm that may have come to during these ride-alongs and no liability waiver had been filed on her behalf. also indicated that she never filled out any forms for these ride-alongs.

CLOVIS POLICE DEPARTMENT COMPLAINT FORM

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Date Submitted 3/5/2013	Signature of Co	mplainant		



February 28, 2013

To Whom It May Concern:

I am writing in regards to Officer Kyle Pennington that currently works for the Clovis Police Department. I have known Kyle for the past 8 months, and after discovering what a dishonest person he is, I chose to remove myself from any type of relationship involving him. I am astonished that you would have an officer of such low integrity working for you and representing your department; Kyle Pennington is a known liar to all that know him in his personal life. After having an affair on his wife of 8 years for 4 years he has proven himself to be deceitful to all around him. How can a man of such low integrity and dishonesty be suitable for a job of authority that requires honesty and integrity? How can he be honest when upholding the law as a Police Officer when he isn't in all other aspects of his life? I think it is in the Clovis Police Department's best interest to be aware of a few of Kyle Pennington's recent actions.

Officer Kyle Pennington who is also in the Army Reserves has been taking advantage of the Clovis Police Department and their understanding of its military service members who work for the department. I have witnessed Kyle Pennington on multiple occasions take time off from work under the guise that he has "military duty" when in fact he did not attend any military obligations and instead went out drinking at bars or went out of town on vacation. During these times, Kyle stated that he needed to, "lay low and stay out of Clovis," so he would not get caught while doing this. Yet, Kyle Pennington is currently amidst a law suit that he filed against the City of Clovis because he feels he is entitled to a pay raise even though he was not here to earn it.

During Kyle Pennington's recent time on "Light Duty" I witnessed Kyle play sports, do construction work on his house, and go to the gym on a daily basis. How can a man who is capable of doing vigorous personal activities be incapable of working his regular duties? During this time Kyle expressed to me that he was enjoying, "sitting around getting paid to do nothing." On December 31st, 2012 while Kyle was "unable to work" due to his "injury" he worked a side job posing as a gold statue in Lemoore at the Taichi Palace Casino which required him to stand in one position for 4 hours. Yet during this time Kyle had informed the department that he was "unable to work due to his knee being so painful." I have pictures of him working at this event.

I have also witnessed Kyle Pennington on multiple occasions drinking heavily and then driving his black Toyota Tundra while extremely intoxicated. During these times, I had insisted that Kyle not drive while intoxicated to which he replied that he was "in Clovis and won't get a DUI," implying that because he worked for Clovis PD that he was somehow immune to a DUI.

To Whom It May Concern February 28, 2013 Page 2

When I first knew Kyle, while he was on duty and in uniform, he would stop by my house and have sexual relations with me. He would also sit in my house for hours watching TV, eating, and talking to me while he was supposed to be working.

On other occasions, Kyle Pennington, while working, would travel to various places around Clovis and Fresno to pick me up in his patrol car because he insisted on giving me a ride home. At one point, he even traveled as far as Palm and Nees, in Fresno, to my friend's apartment complex in his Clovis Patrol car to pick me up. He then drove me on the 41 freeway reaching speeds over 120mph back to my residence in Clovis.

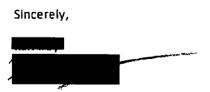
I have also been on multiple ride-a-longs with Kyle Pennington all of which resulted in us having sexual relations in his patrol car while he was working. I had inquired with Kyle on each of these occasions if doing these things would get him in trouble, to which he replied "No" and that he "does whatever he wants"

Due to Kyle Pennington's temper and current body type I believe Kyle is also on steroids. I have found syringes and bottles of foreign substances in his belongings. To my knowledge, Kyle Pennington is not a diabetic nor does he have any medical condition that requires him to use syringes.

Kyle Pennington has become extremely physical with me on multiple occasions and has caused serious injuries to my person. He has left many bruises on my arms, legs, and ribs. He was physically and mentally abusive to me. Although no reports have been filed at this time, there are several witnesses that have seen me visibly upset and bruised after our altercations. My father, a retired Deputy for the Kern County Sheriff's Department, is a witness to this as well.

I believe Kyle Pennington has a sex addiction as well as a pornography addiction. I have witnessed Kyle Pennington visit local strip clubs and massage parlors late at night on numerous occasions. In Kyle Pennington's computer there are files upon files of pornography, most of which have a common theme of extremely young girls who appear to be **not of legal age**. Throughout the time that I have known Kyle he would watch pornography on a daily basis.

I believe it is in the best interest of the Clovis Police Department to investigate these claims further. I can provide witnesses, evidence, and testimony for all accounts.





CLOVIS POLICE DEPARTMENT **Notification**

To: Officer Kyle Pennington

From: Police Sergeant Police Corporal

Date: March 11, 2013

Subject: Internal Affairs Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies/California Penal Code:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) — Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Clovis Discipline Policy 340.3.5 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

Clovis Discipline Policy 340.3.5 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

Clovis Discipline Policy 340.3.5 (n) – Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

Clovis Discipline Policy 340.3.5 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

Clovis Discipline Policy 340.3.5 (p) - Failure to disclose material facts or the making of any false or misleading statement_on any application, examination form or other official document, report or form.

Clovis Discipline Policy 340.3.5 (z) - Violating any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

You will be notified when to report to the Clovis Police Department to answer questions I (we) have relating to this investigation.

The Clovis Police Department was notified by a Complainant that made numerous allegations of a serious nature against you.

You are not to have any contact, including but not limited to, telephone, personal, email, in written form of any kind, driving by the residence or place of employment, or any other form of contact, with vous are also ordered and directed not to initiate contact with Ms. through a third party

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for your time in accordance with regular department procedures.

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Internal Affairs Admonishment

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however. these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action: (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

Subject:	
Investigator:	
Investigator:	

3 Updated 08/2009



CLOVIS POLICE DEPARTMENT Advisement/Admonishment

To:

Officer Kyle Pennington

From:

Police Sergeant Police Corporal

Date:

April 3, 2013

Subject:

Internal Affairs Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) — Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

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Clovis Discipline Policy 340.3.5 (z) – The Violation of any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

Please report to the Clovis Police Department on	to answer
questions I (we) have relating to this investigation.	

Pre-Interrogation Admonishment

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for you time in accordance with regular department procedures.

Internal Affairs Admonishment

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however, these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action; (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

Administrative Advisement

The dat	te of this interview is 6468 2013 The time is 102248
The loc	eation is CLOOK POUCE DEPT.
Present	t for this interview are
The inv	estigating officer's are Set 4 CR
"You ha and you	ave the right to have a representative of your choice present during this interview have chosen—
1.	An Attorney

- 2. An association member
- 3. Anyone else not connected with this investigation

Miranda Advisement

You have the right to remain silent
Anything you say may be used against you in court
You have the right to an attorney before and during questioning
If you cannot afford an attorney one will be appointed to you before questioning if you wish

Do you understand each of these rights that I have explained to you?

Lybarger Admonition

Read the Lybarger Admonition when:

- 1) Miranda is not waived
- 2) The employee refuses to answer questions in an administrative investigation
- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer any administrative investigation questions.
- This is an administrative investigation. I am, therefore, now ordering you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and can result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

asked of you truthfully and completely. Failure to do so may be deemed insubordination and may result in administrative discipline up to and including termination of your employment with the Clovis Police Department.

The above Lybarger Admonition has been explained to me and I understand its contents.
Subject KYLE PRODUCTION
Interviewer Sot.
Interviewer CR.
At the conclusion of the interview give this admonishment:
am ordering you not to discuss this investigation or interview/interrogation with anyone other than your representative or the investigating officers. Do you understand? VES NO Signed From, ke, Kinster



CLOVIS POLICE DEPARTMENT Advisement/Admonishment

To: Officer Kyle Pennington

From: Police Sergeant Police Corporal

Date: April 18, 2013 571 FULLATED

Subject: <u>Internal Affairs</u> Investigation # 13-03 Notification

I (We) have been assigned to investigate an internal department complaint of which you are the subject. The allegations made, if substantiated, would violate the following Clovis Police Department Policies:

Clovis Discipline Policy 340.3.2 (m) – Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

Clovis Discipline Policy 340.3.4 (a) — Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

Clovis Discipline Policy 340.3.5 (aa) – Any other on duty or off duty conduct that any employee knows or reasonably should know is unbecoming a member of the Department or that is contrary to good order, efficiency or morale, or that tends to reflect unfavorably upon the Department or its members.

Clovis Discipline Policy 340.3.5 (i) – The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any Department record, book, paper or document.

Clovis Discipline Policy 340.3.5 (n) — Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.

Clovis Discipline Policy 340.3.5 (o) – Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (On or Off Duty).

Clovis Discipline Policy 340.3.5 (p) – Failure to disclose material facts or the making of any false or misleading statement_on any application, examination form or other official document, report or form.

Clovis Discipline Policy 340.3.5 (z) – The Violation of any misdemeanor or felony statute.

Clovis Discipline Policy 340.3.6 (c) – Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

Clovis Discipline Policy 340.3.6 (f) – Violating departmental safety standards or safe working practices.

Please report to the Clovis Police Department on	to answer
questions I (we) have relating to this investigation.	•

Pre-Interrogation Admonishment

This interview/interrogation will be recorded. You will have access to the recording if further proceedings are contemplated or prior to any further questioning at a subsequent time. You have the right to bring your own recording device and record any and all aspects of this meeting.

You have the right to be represented by a representative of your choice who may be present at all times during the questioning. This representative shall not be a person subject to the same investigation. Please give me (1) working day's notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this interview/interrogation occurs during off-duty time, you shall be compensated for you time in accordance with regular department procedures.

2

Internal Affairs Admonishment

I wish to advise you that you are being questioned as part of an official investigation of the Clovis Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the Public Safety Officers Procedural Bill of Rights (California Government code section 3300 through 3311), and the constitution of this State and the Constitution of the United States, including the right to remain silent and not incriminate yourself, and to have a representative of your choice present during questioning. I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, your silence could be deemed insubordination and could lead to administrative discipline, including dismissal from the Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings; however, these statements may be used against you in relation to subsequent departmental charges. In addition, your statements will not be admissible in any subsequent civil proceeding except that: (1) your statements can be used in seeking civil sanctions against you, including disciplinary action; (2) your statements may be used in any action brought by you or your exclusive representative, arising out of a disciplinary action; (3) your statements may be used to impeach your testimony after an in camera review to determine whether the statements serve to impeach your testimony; and (4) your statements may be used if you are subsequently deceased.

Administrative Advisement

The date of this interview is	The time is
The location is	W-12-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1
Present for this interview are	
The investigating officer's are	
"You have the right to have a representative of your and you have chosen	choice present during this interview

- 1. An Attorney
- 2. An association member
- 3. Anyone else not connected with this investigation

3 Updated 08/2009

Miranda Advisement

You have the right to remain silent
Anything you say may be used against you in court
You have the right to an attorney before and during questioning
If you cannot afford an attorney one will be appointed to you before questioning if you wish

Do you understand each of these rights that I have explained to you?

Lybarger Admonition

Read the Lybarger Admonition when:

- Miranda is not waived
- 2) The employee refuses to answer questions in an administrative investigation
- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer any administrative investigation questions.
- This is an administrative investigation. I am, therefore, now ordering you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and can result in administrative discipline, up to and including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

I am ordering you to answer any and all questions asked of you truthfully and completely. Failure to do so may be deemed insubordination and may result in administrative discipline up to and including termination of your employment with the Clovis Police Department.

The above Lybarger Admonition has been explained to me and I understand its contents.
Subject
nterviewer
nterviewer
At the conclusion of the interview give this admonishment:
I am ordering you not to discuss this investigation or nterview/interrogation with anyone other than your representative or the investigating
nterview/interrogation with anyone other than your representative or the investigating officers. Do you understand? YES NO Signed

4 Updated 08/2009



Internal Affairs # or Citizen Complaint #:13 03	
Employee:	
"The date and time of this interview is 3/25/13 @ /27/	"
"The location isCPD	,,
"The investigating officers are	35
"Present for this interview are +	
"	
You are about to be questioned as part of an official Clovis Police Department administrative investigation.	
You are hereby advised that provisions of the Government Code, generally refeas the Peace Officer's Bill of Rights, do not apply in this instance. You are bein advised that you are required to make truthful and complete statements. Any redo so may result in discharge or other punitive action.	a
A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with a violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed of a "subject".	ny
In the event that you decline to answer questions, you shall be re-advised of you administrative rights as though you are a "subject".	ır
You are also being ordered not to discuss this interview or investigation, in part whole, with anyone other than the investigating officer(s).	or in
有意教士	
The above admonition has been explained to me and I understand its contents.	
Employee:	
Investigating Officer:	
Investigating Officer:	



Internal Affairs # or Citizen Complaint #:13-03
Employee:
"The date and time of this interview is 3/27/13 @ 1515 "
"The location is"
"The investigating officers are"
"Present for this interview are ←
19
You are about to be questioned as part of an official Clovis Police Department administrative investigation.
You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.
A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".
In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".
You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).

The above admonition has been explained to me and I understand its contents.
Employee: _
Investigating Officer:
Investigating Officer:



CLOVIS POLICE DEPARTMENT ADMINISTRATIVE ADVISEMENT TO WITNESS

Professional Staff

Internal Affairs # or Citizen Complaint #: 12 -03	
Employee:	
"The date and time of this interview is"	ı
"The location is PERSONNEL OFFILE"	ı
"The investigating officers are	
"Present for this interview are	
11	
You are about to be questioned as part of an official Clovis Police Department administrative investigation.	itive
You are hereby advised that you are required to make truthful and complete statements. to do so may result in discharge or other punitive action.	Any refusal
A representative is not allowed in this interview. You are being interviewed as a witness, under investigation and you have not been charged with any violations. If, during this interview apparent you may be subject to discipline, the interview will stop. You will be to status has changed to that of a "subject".	erview, it
In the event that you decline to answer questions, you shall be re-advised of your administrights as though you are a "subject".	strative
You are also being ordered not to discuss this interview or investigation, in part or in whol anyone other than the investigating officer(s).	e, with

The above admonition has been explained to me and I understand its contents.	
Employee:	
Investigating Officer:	_
estigating Officer:	



Internal Affairs # or Citizen Complaint #: 12-03	
Employee:	
"The date and time of this interview is 4/6/13 1137	n —
"The location is	11
"The investigating officers are	11
"Present for this interview are	
19	
You are about to be questioned as part of an official Clovis Police Department administrative investigation.	
You are hereby advised that provisions of the Government Code, generally refer as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any redo so may result in discharge or other punitive action.	1
A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with a violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed tof a "subject".	•
In the event that you decline to answer questions, you shall be re-advised of you administrative rights as though you are a "subject".	ır
You are also being ordered not to discuss this interview or investigation, in part of whole, with anyone other than the investigating officer(s).	or in

The above admonition has been explained to me and I understand its contents.	
Employee:	_
Investigating Officer:	_
Investigating Officer:	



Internal Affairs # or Citizen Complaint #:
Employee:
"The date and time of this interview is 4/18/13 1145
"The location is 1233 5TH ST "
"The investigating officers are"
"Present for this interview are
"
You are about to be questioned as part of an official Clovis Police Department administrative investigation.
You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal to do so may result in discharge or other punitive action.
A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to that of a "subject".
In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".
You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).
未会女女女
The above admonition has been explained to me and I understand its contents.
Employee:
Investigating Officer:
Investigating Officer:



Internal Affairs # or Citizen Complaint #:	
Employee:	
"The date and time of this interview is 4 25 3 @ 2225"	
"The location is 1233 5 ^{Tth} ST (CPD) "	
"The investigating officers are"	
"Present for this interview are	
71	
You are about to be questioned as part of an official Clovis Police Department administrative investigation.	
You are hereby advised that provisions of the Government Code, generally referred to as the Peace Officer's Bill of Rights, do not apply in this instance. You are being advised that you are required to make truthful and complete statements. Any refusal do so may result in discharge or other punitive action.	
A representative is not allowed in this interview. You are being interviewed as a witness. You are not under investigation and you have not been charged with any violations. If, during this interview, it becomes apparent you may be subject to discipline, the interview will stop. You will be told that your status has changed to the of a "subject".	ıt
In the event that you decline to answer questions, you shall be re-advised of your administrative rights as though you are a "subject".	
You are also being ordered not to discuss this interview or investigation, in part or in whole, with anyone other than the investigating officer(s).	

The above admonition has been explained to me and I understand its contents.	
Employee:	
Investigating Officer:	
Investigating Officer: (/	

Clovis PD Crime Report

Case Report No. 130004197.1

Report Subject: PC273.5(A) INFLICT

COPPORAL INJURY ON

/SE/COHABITANT(F) PC286(C)(2)

Report Date: 03/27/2013 00:00:00 Report Status: A - Approved

Clovis PD

Page 1 of 24

Case Details:

Code PC

PC

273.5(A) 286(C)(2) Description

INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(IBR 13B)(F)

SODOMY: USE FORCE/INJ (F)(F)

Special Flags

Occurred On 08/01/2012 23:00:00

(and Between)

Assignment

Gang Involved N - No

Reat

Address of Incident

Area CL - CL

31 - Victim forced to floor

DUI Processing Agency

BINV - Investigations

CL - CL

DUI Processing Officer

Date Entered

03/27/2013 08:38:29 Date Verified

04/25/2013 15:25:09

CSZ **CLOVIS, CA 93611**

Zone

C906 - C906 **DUI Agency Case Number**

10 - Physical abuse of one's spouse

13 - Sex involved

Other Motives

Notified

Entered By

Verified By

Location of Incident

CONFIDENTIAL Crime Pattern No.

Disposition 1 - Exception

Other Means

Clearance Reason N - Not Applicable **Date of Clearance** 04/03/2013 00:00:00

PE

Connecting Cases

Offe. ⇒ Detail: PC273.5(A) - INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(IBR 13B)(F)

Code

273.5(A) Offense Level

Completed Y - Yes F - Felony **Entry Method**

No. Prem. Entered

Anti-Reproductive-Rights N - No

Using

Domestic Violence

Weapons

Description

Y - Yes

40 - Personal Weapons

(Hands, Feet, Teeth, etc.)

Offensive Act **Location Type**

INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(IBR 13B)(F)

Crime Against

20 - Residence/Home

Tools Used

Force Level **Criminal Activity**

88 - None (No Bias)

Type Security

Additional Offense Detail: PC286(C)(2) - SODOMY:USE FORCE/INJ (F)(F)

Code

Description

286(C)(2) Offense Level F - Felony

No. Prem. Entered

SODOMY: USE FORCE/INJ (F)(F) Crime Against

Completed Y - Yes

PE Entry Method

Anti-Reproductive-Rights

N - No Using

Domestic Violence N - No Weapons 99 - None

Offensive Act

Location Type

20 - Residence/Home

Tools Used

Criminal Activity

Force Level

88 - None (No Blas)

Hate/Bias

Type Security

Suş *t S1: PENNINGTON, KYLE

PENNINGTON, KYLE

Alert(s)

Date Entered: 03/27/2013 08:38:29

Entered By:

Date Verified: 04/25/2013 15:25:09 Verified By:

Printed For: 0

Printed: June 7, 2013 - 13:32:51

Clovis PD Crime Report

Case Report No. 130004197.1

Report Subject: PC273.5(A) INFLICT

COPPORAL INJURY ON

SF /SE/COHABITANT(F) PC286(C)(2)

Report Date: 03/27/2013 00:00:00 Report Status: A - Approved

Clovis PD

AKA(s)

Address

1233 5th St **Employment Type**

CE - Currently

Employed Resident of Jurisdiction

U - Unknown DOB

33 Hair Color

Age

Hair Length

Employer/School Phone 559 324-2800 Race

POLICE OFFICER

Clovis, CA 93612

W - White Hair Style County

Country **USA - United States of America**

Employer/School

CLOVIS POLICE DEPARTMENT

Weight

Employer/School Address 1233 5th St Height

Sex M - Male

Facial Hair Eye Color CSZ

CLOVIS, CA 93612 Ethnicity

N - Not of Hispanic Origin Complexion Build

Teeth

Clothing

CSZ

Occupation/Grade

Primary Language

Scars/Marks/Tattoos

Location

Description

Photo

Gang Criteria

Gang Related

Criteria

Contact Information

Typ rk Phone نے ک Phone/Email/Other 559 324-2800

Identification Gang ID

Type

Number

Primary ID

State

Country

Class

Expiration

Notes

CLOVIS POLICE DEPARTMENT **EMPLOYEE ID**

DL - Driver's

OTH - Other

License Number SID - CII Number

5090

CA-California

USA - United States of **America**

MNI

CA -California

Parole/Probation Contacts

Agency

Agent Name

Agent Phone

Relationships

To Whom How

V1 - ConfV1 DA - Dating

Victim V1: ConfV1

Confidential

Name ConfV1 Alert(s)

٠)

Victin rype I - Individual Injury

M - Apparent Minor Injury

Circumstances

Testify

Victim Of

PC273.5(A) - INFLICT CORPORAL INJURY ON SPOUSE/COHABITANT(IBR 13B)(F)

Date Entered: 03/27/2013 08:38:29

Entered By:

Date Verified: 04/25/2013 15:25:09 Verified By:

Printed For: 0

Printed: June 7, 2013 - 13:32:51

Clovis PD Crime Report

Case Report No. 130004197.1

Report Subject: PC273.5(A) INFLICT

CORPORAL INJURY ON

JSE/COHABITANT(F) PC286(C)(2)

Report Date: 03/27/2013 00:00:00 Report Status: A - Approved

Clovis PD

PC286(C)(2) - SODOMY: USE FORCE/INJ (F)(F)

Home Address

Home CSZ

Home County Fresno

Home Country

USA - United States of America

Mailing Address

Mailing CSZ

Employer/School

Employment Type

Occupation/Grade

Employer/School Address

CSZ

Resident of Jurisdiction N - Nonresident

Age

Race

Sex

Height

Weight

Ethnicity

N - Not of Hispanic Origin

Hair Color

23 Hair Length

W - White Hair Style

Employer/School Phone

F - Female Facial Hair

Eve Color

Complexion

Teeth

DOB

Clothing

POB

Primary Language

Scars/Marks/Tattoos

Location

Description

Photo

Gang Criteria Gang Related

Criteria

Cont . Information

Phone/Email/Other

identification

Gang ID

MNI

Type

Number

Primary ID State Country

Class

Expiration

Notes

Relationships

To Whom How

Victim Offender Relationships

Relationship

BG - Victim Was Boyfriend/Girlfriend S1

Parole/Probation Contacts

Agency

Agent Name

Agent Phone

L.E.O.K.A Details

Type

Assignment

Activity

Justifiable Homicide Circumstances

Victim Notes

Witness W1:

Alert(s)

AKA(s)

Address

CSZ

County

Country

Date Entered: 03/27/2013 08:38:29

Entered By:

Date Verified: 04/25/2013 15:25:09 Verified By:

Printed For: 0

Printed: June 7, 2013 - 13:32:51